

JOURNAL OF THE HOUSE

SECOND REGULAR SESSION, 90th GENERAL ASSEMBLY

FORTY-EIGHTH DAY, TUESDAY, APRIL 4, 2000

Speaker Pro Tem Kreider in the Chair.

Prayer by Father David Buescher.

Lord of all tenderness, Lord of all might, support this place of democracy and leadership. May these men and women share in Your power - the power of creative love. May these women and men have a portion of Your justice - a justice whose roots crave equality and dignity to each human being. Let these men and women know the spirit of Your stewardship of all the universe - and be moved to renew their care and concern for our little corner of Your world. We are one in You, and yet independent in great diversity, sensing the interdependence of all things and all peoples. So may we live today and always. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Megan Hasty, Michael Forrentino, Andy Dusanowsky, Tara Buehler, Blair Romer, Patrick Mayfield, Hilary Mason, Steve Davis, Kayleigh Winslow, Rafeeq Warfield, Katlin Palmer, Kevin Binder, Anna Moore, Alex Fontana, Megan O'Donnell, Katie Roth, Sean Ludwig, Michael Nolte, Mary O'Rourke, Andrew Vines, Christine Southerland, Christina Nelson, Bethany Oakes, Abigail Oakes, Robert Bauer, Asia Chiapelas, Peter Olatunde, Alexandra Ormsby, Ronald Moore, Shannon Ragan, Molly Beck, Megan Banks, Camille Beckles, Mitch Schwartzman, Krystal Ransom, Alex Santacroce, Greg Touchette, Sam Holden, Jessica Meeks and Kim Johnson.

The Journal of the forty-seventh day was approved as corrected by the following vote:

AYES: 081

Abel	Auer	Backer	Barry 100	Berkowitz
Bonner	Boucher 48	Boykins	Bray 84	Britt
Campbell	Clayton	Crump	Curls	Davis 122
Davis 63	Days	Dougherty	Farnen	Fitzwater
Foley	Ford	Franklin	Fraser	Gambaro
George	Graham 24	Gratz	Green	Gunn
Hagan-Harrell	Hampton	Harlan	Hickey	Hilgemann
Hollingsworth	Hoppe	Hosmer	Kelly 27	Kennedy
Kissell	Koller	Kreider	Lawson	Leake
Liese	Luetkenhaus	May 108	Mays 50	McBride
McKenna	McLuckie	Merideth	Monaco	Murray
O'Connor	O'Toole	Overschmidt	Parker	Ransdall
Reynolds	Rizzo	Scheve	Schilling	Seigfreid
Selby	Shelton	Skaggs	Smith	Thompson
Treadway	Troupe	Van Zandt	Wagner	Ward
Wiggins	Williams 121	Williams 159	Wilson 25	Wilson 42
Mr. Speaker				

NOES: 073

Akin	Alter	Barnett	Bartelsmeyer	Bartle
Bennett	Black	Blunt	Boatright	Burton
Champion	Chrismer	Cierpiot	Crawford	Dolan
Elliott	Enz	Foster	Froelker	Gaskill
Gibbons	Graham 106	Griesheimer	Gross	Hanaway
Hartzler 123	Hartzler 124	Hegeman	Hendrickson	Hohulin
Holand	Howerton	Kasten	Kelley 47	King
Klindt	Legan	Levin	Linton	Lograsso
Long	Loudon	Luetkemeyer	Marble	McClelland
Miller	Murphy	Myers	Naeger	Nordwald
Ostmann	Patek	Phillips	Pouche 30	Pryor
Purgason	Reid	Reinhart	Richardson	Ridgeway
Roberts	Ross	Sallee	Schwab	Scott
Secrest	Shields	Summers	Surface	Townley
Tudor	Vogel	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 007

Ballard	Berkstresser	Evans	Lakin	Relford
Riley	Stokan			

VACANCIES: 002

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 831 - Representative Curls
 House Resolution No. 832 - Representative Davis (122)
 House Resolution No. 833 - Representative Reinhart
 House Resolution No. 834 - Representative Monaco
 House Resolution No. 835 - Representative Overschmidt
 House Resolution No. 836
 through
 House Resolution No. 838 - Representative Naeger
 House Resolution No. 839 - Representatives George, Green and Levin
 House Resolution No. 840 - Representative Richardson
 House Resolution No. 841 - Representative Hegeman
 House Resolution No. 842 - Representative Sallee
 House Resolution No. 843
 and
 House Resolution No. 844 - Representative Bartelsmeyer

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 32 was read the second time.

SECOND READING OF HOUSE BILL

HB 2149 was read the second time.

COMMITTEE REPORT

Committee on Rules, Joint Rules and Bills Perfected and Printed, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred (By Consent) **HB 1095, HB 1275, HB 1284, HB 1340, HB 1358, HB 1597, HB 1659 and HB 1828**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

PERFECTION OF HOUSE BILL

HCS HB 1305, relating to rehabilitation of abandoned property, was taken up by Representative Rizzo.

Representative Rizzo offered **HS HCS HB 1305**.

Representative Hanaway raised a point of order that **HS HCS HB 1305** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Kelley (47) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Substitute for House Committee Substitute for House Bill No. 1305, Page 6, Section 82.1050, Line 17, by inserting at the end of said section the following:

“214.030. The cemetery lots owned by such **county**, city, town or village shall be conveyed by deed signed by the mayor **or commissioner** of said **county**, city, town or village, duly attested by the [city] clerk **of such county, city, town or village, or other officer performing the duties of clerk**, and shall vest in the purchaser, his or her heirs and assigns, a right in fee simple to such lot for the sole purpose of interment [under] **pursuant to** the regulations of the council **or commission**, **except that such fee simple right may be revested in the county, city, town or village pursuant to section 214.035.**

214.035. 1. For purposes of this section, the term “lot owner” means the purchaser of the cemetery lot or such purchaser’s heirs, administrators, trustees, legatees, devisees, or assigns.

2. Whenever a county, city, town or village has acquired real estate for the purpose of maintaining a cemetery or has acquired a cemetery from a cemetery association, and such county, city, town or village or its predecessor in title has conveyed any platted lot or designated piece of ground within the area of such cemetery, and the governing body of such county, city, town or village is the governing body of such cemetery pursuant to section 214.010, the title to any conveyed platted lots or designated pieces of ground, other than ground in which dead human remains are actually buried and all ground within two feet thereof, may be revested in the county, city, town or village in the following manner and subject to the following conditions:

(1) No interment shall have been made in the lot and the title to such lot shall have been vested in the present owner for a period of at least fifty years prior to the commencement of any proceedings pursuant to this section;

(2) If the lot owner of any cemetery lot is a resident of the county where the cemetery is located, the governing body shall cause to be served upon such lot owner a notice that proceedings have been initiated to

revest the title of such lot in the county, city, town or village and that such lot owner may within the time provided by the notice file with the clerk or other officer performing the duties of clerk of such county, city, town or village, as applicable, a statement in writing explaining how rights in the cemetery lot were acquired and such person's desire to claim such rights in the lot. The notice shall be served in the manner provided for service of summons in a civil case and shall provide a period of not less than thirty days in which the statement can be filed. If the governing body ascertains that the statement filed by the lot owner is correct and the statement contains a claim asserting the rights of the lot owner in the lot, all proceedings by the governing body to revest title of the lot in the county, city, town or village shall be null and void and such proceedings shall be summarily terminated by the governing body as to the lots identified in the statements;

(3) If it is determined by the return of the sheriff of the county in which the cemetery is located that the lot owner is not a resident of the county and cannot be found in the county, the governing body may cause the notice required by subdivision (2) of this subsection to be published once each week for two consecutive weeks in a newspaper of general circulation within the county, city, town or village. Such notice shall contain a general description of the title revestment proceedings to be undertaken by the governing body pursuant to the section, lot numbers and descriptions and lot owners' names. In addition, the notice shall notify the lot owner that such lot owner may, within the time provided, file with the clerk or other officer performing the duties of a clerk a statement setting forth how such lot owner acquired rights in the cemetery lot and that such lot owner desires to assert such rights. If the governing body ascertains that the statement filed by the lot owner is correct and the statement contains a claim asserting the rights of the lot owner in the lot, all proceedings by the governing body to revest title to the lot in the county, city, town or village shall be null and void and such proceedings shall be summarily terminated by the governing body as to the lots identified in the statement;

(4) All notices, with proofs of service, mailing and publication of such notices, and all ordinances or other resolutions adopted by the governing body relative to these revestment proceedings shall be made a part of the records of such governing body;

(5) Upon expiration of the period of time allowed for the filing of statements by lot owners as contained in the notice served personally, by mail or published, all parties who fail to file with the clerk, or other officer performing the duties of clerk in such county, city, town or village, their statement asserting their rights in the cemetery lots shall be deemed to have abandoned their rights and claims in the lot, and the governing body may bring an action in the circuit court of the county in which the cemetery is located against all lot owners in default, joining as many parties so in default as it may desire in one action, to have the rights of the parties in such lots or parcels terminated and the property restored to the governing body of such cemetery free of any right, title or interest of all such defaulting parties or their heirs, administrators, trustees, legatees, devisees or assigns. Such action in all other respects shall be brought and determined in the same manner as ordinary actions to determine title to real estate;

(6) In all such cases the fact that the grantee, holder or lot owner has not, for a term of more than fifty successive years, had occasion to make an interment in the cemetery lot and the fact that such grantee, holder or lot owner did not upon notification assert a claim in such lot, pursuant to this section, shall be prima facie evidence that the party has abandoned any rights such party may have had in such lot;

(7) A certified copy of the judgments in such actions quieting title may be filed in the office of the recorder of deeds in and for the county in which the cemetery is situated;

(8) All notices and all proceedings pursuant to this section shall distinctly describe the portion of such cemetery lot unused for burial purposes and the county, city, town or village shall leave sufficient ingress to, and egress from, any grave upon the lot, either by duly dedicated streets or alleys in the cemetery, or by leaving sufficient amounts of the unused portions of the cemetery for such purposes;

(9) This section shall not apply to any lot in any cemetery where a perpetual care contract has been entered into between such cemetery, the county, city, town or village and the owner of such lot;

(10) Compliance with the terms of this section shall as fully revest the county, city, town or village with, and divest the lot owner of record of, the title to such portions of such cemetery lot unused for burial purposes as though the lot had never been conveyed to any person, and such county, city, town or village, shall have, hold and enjoy such unclaimed portions of such lots for its own uses and purposes, subject to the laws of this state, and to the charter, ordinances and rules of such cemetery and the county, city, town or village."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Kelley (47), **House Amendment No. 1** was adopted.

Representative Gambaro offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Substitute for House Committee Substitute for House Bill No. 1305, Page 17, Section 260.210, Line 2 of said page, by inserting after all of said line the following:

"441.500. As used in sections 441.500 to 441.643, the following terms mean:

(1) "Abatement", the removal or correction, including demolition, of any condition at a property that violates the provisions of any duly enacted building or housing code, as well as the making of such other improvements or corrections as are needed to effect the rehabilitation of the property or structure, including the closing or physical securing of the structure;

(2) "Agent", a person authorized by an owner to act for him;

(3) "Code enforcement agency", the official, agency, or board that has been delegated the responsibility for enforcing the housing code by the governing body;

(4) "Community", any county or municipality;

(5) "County", any county in the state;

(6) "Dwelling unit", premises or part thereof occupied, used, or held out for use and occupancy as a place of abode for human beings, whether occupied or vacant;

(7) "Governing body", the board, body or persons in which the powers of a community are vested;

(8) "Housing code", a local building, fire, health, property maintenance, nuisance or other ordinance which contains standards regulating the condition or maintenance of residential buildings;

(9) "Local housing corporation", a not for profit corporation organized pursuant to the laws of the state of Missouri for the purpose of promoting housing development and conservation within a specified area of a municipality or an unincorporated area;

(10) "Municipality", any incorporated city, town, or village;

(11) **"Neighborhood association", any group of persons organized for the sole purpose of improvement of a particular geographic area having specific boundaries within a municipality, provided that such association is recognized by the municipality as the sole association for such purpose within such geographic area;**

(12) "Notice of deficiency", a notice or other order issued by the code enforcement agency and requiring the elimination or removal of deficiencies found to exist under the housing code;

[(12)] (13) "Nuisance", a violation of provisions of the housing code applying to the maintenance of the buildings or dwellings which the code official in the exercise of reasonable discretion believes constitutes a threat to the public health, safety or welfare;

[(13)] (14) "Occupant", any person occupying a dwelling unit as his or her place of residence, whether or not that person is occupying the dwelling unit as a tenant from month to month or under a written lease, undertaking or other agreement;

[(14)] (15) "Owner", the record owner or owners, and the beneficial owner or owners when other than the record owner, of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, personal representative, trustee, lessee, agent, or any other person in control of a dwelling unit;

[(15)] (16) "Person", any individual, corporation, association, partnership, or other entity.

441.510. 1. If any building or dwelling is found to be in violation of building or housing codes which the county [or], municipality, **local housing corporation or neighborhood association** in the exercise of reasonable discretion believes constitutes a threat to the public health, safety or welfare, **and alleges the nature of such threat in its petition**, the county [or], municipality, **local housing corporation or neighborhood association**, in addition to any other remedies available to it, may apply to a court of competent jurisdiction for the appointment of a receiver to perform an abatement.

2. At least sixty days prior to the filing of an application for appointment of a receiver pursuant to sections 441.500 to 441.643, the county [or], municipality, **local housing corporation or neighborhood association** shall give written notice by regular mail to all interested parties of its intent to file the application and information relative to:

(1) The identity of the property;

(2) The violations of the building or housing codes giving rise to the application for the receiver;
 (3) The name, address and telephone number of the person or department where additional information can be obtained concerning violations and their remedy; and

(4) The county [or], municipality, **local housing corporation or neighborhood association** which may seek the appointment of a receiver pursuant to sections 441.500 to 441.643 unless action is taken within sixty days by an interested party.

3. A county [or], municipality, **local housing corporation or neighborhood association** may not apply for the appointment of a receiver pursuant to sections 441.500 to 441.643 if an interested party has commenced and is then prosecuting in a timely fashion an action or other judicial or nonjudicial proceeding to foreclose a security interest on the property, or to obtain specific performance of a land sale contract, or to forfeit a purchaser's interest under a land sale contract.

4. Notice of the application for the appointment of a receiver shall be served on all interested parties.

5. If, following the application for appointment of a receiver, one or more of the interested parties elects to correct the conditions at the property giving rise to the [county's or municipality's] application for the appointment of a receiver, the party or parties shall be required to post security in an amount and character as the court deems appropriate to ensure timely performance of all work necessary to make corrections, as well as such other conditions as the court deems appropriate to effect the timely completion of the corrections by the interested party or parties.

6. In the event that no interested party elects to act pursuant to subsection 5 of this section or fails to timely perform work undertaken pursuant to subsection 5 of this section, the court shall make a determination that the property is in an unsafe or insanitary condition and appoint a receiver to complete the abatement.

7. A receiver appointed by the court pursuant to sections 441.500 to 441.643 shall not be required to give security or bond of any sort prior to appointment.

441.520. 1. The action to appoint a receiver authorized by section 441.510 shall be commenced by the filing of a verified petition by the county [or], municipality, **local housing corporation or neighborhood association**.

2. There shall be named as defendants:

(1) The last owner of record of the dwelling as of the date of the filing of the petition; and
 (2) The last holder of record of any mortgage, deed of trust, or other lien of record against the building as of the date of the filing of the petition.

3. Any owner of the dwelling who is not a party defendant may be permitted by the court to join as a party defendant.

4. (1) Any owner, whether or not a citizen or resident of this state, who in person or through agent, owns, uses, or is possessed of any real estate situated in this state thereby subjects himself or itself to the jurisdiction of the courts of this state as to any cause of action arising pursuant to the provisions of sections 441.500 to 441.643. Personal service of process shall be made in accordance with the rules of civil procedure; provided that, if such service cannot with due diligence be made, service of process may be made by personally serving process upon the defendant outside this state, or by service in accordance with the rules of civil procedure as in all cases affecting a res within the jurisdiction of the court.

(2) If a landlord of residential property is not a resident of this state or is a corporation, [he must] **the landlord shall** designate an agent upon whom service of process may be made in this state. The agent shall be a resident of this state or a corporation authorized to transact business in this state. The designation shall be in writing and include the address and the name of the registered agent and shall be filed in the office of the secretary of state. If no designation is made and filed or if process cannot be served in this state upon the designated agent, process may be served upon the secretary of state, but service upon him **or her** is not effective unless the petitioner forthwith mails a copy of the process and pleading by certified mail to the defendant or respondent at the address stated on the assessor's records for the subject property. An affidavit of compliance with this section shall be filed with the clerk of the court.

5. Any action brought pursuant to the provisions of sections 441.500 to 441.643 shall be expedited by the court and may be given precedence over other suits.

441.550. In any application for receivership brought pursuant to sections 441.500 to 441.643, the county [or], municipality, **local housing corporation or neighborhood association** shall file for record, with the recorder of deeds of the county in which any such real estate is situated, a written notice of the pendency of the suit pursuant to the requirements of section 527.260, RSMo. From the time of filing such notice the pendency of suit shall be constructive notice to persons thereafter acquiring an interest in the building.

441.590. 1. The court may, in any order entered pursuant to section 441.570:

(1) Authorize the receiver to draw upon the rents deposited in court to pay for the cost of necessary repairs upon

presentment to the court of the original copy of any invoice for work performed or materials purchased;

(2) Appoint the code enforcement agency, the mortgagee or other lienor of record, a local housing corporation established to promote housing development and conservation in the area in which such property that is the subject of receivership is located **or, if no local housing corporation exists for such area, then the local neighborhood association**, a licensed attorney or real estate broker, or any other qualified person, as a receiver provided, however, that all lienholders of record shall be given the right of first refusal to serve as receiver in the order in which their lien appears of record. In the event of the refusal of all lienholders of record to serve as receiver or in the absence of any lienholders of record, the local housing corporation that is established to promote housing development and conservation in the area in which such property that is the subject of receivership is located, if any, shall be given the right of first refusal to serve as receiver for any residential property consisting of four units or less; **provided that, if no local housing corporation exists for such area, then the local neighborhood association shall be given such right of first refusal**; or

(3) Where the building is vacant, appoint the code enforcement agency, the mortgagee or other lienor of record, a local housing corporation established to promote development and conservation in the area in which such property that is the subject of receivership is located **or, if no local housing corporation exists for such area, then the local neighborhood association**, a licensed attorney or real estate broker, or any other qualified person, as a receiver to remove all of the housing code violations which constitute a nuisance as found by the court, except that all lienholders of record shall be given the right of first refusal to serve as receiver in the order in which their liens appear of record. In the event of the refusal of all lienholders of record to serve as receiver or in the absence of any lienholders of record, the local housing corporation that is established to promote development and conservation in the area in which such property that is the subject of receivership is located, if any, shall be given the right of first refusal to serve as receiver for any residential property consisting of four units or less; **provided that, if no local housing corporation exists for such area, then the local neighborhood association shall be given such right of first refusal**.

2. The court may allow a receiver reasonable and necessary expenses, payable from the rent moneys.

3. No receiver appointed shall serve without bond. The amount and form of such bond shall be approved by the court and the cost of such bond shall be paid from the moneys so deposited.

4. The receiver may, on order of the court, take possession of the property, collect all rents and profits accruing from the property, and pay all costs of management, including all insurance premiums and all general and special real estate taxes or assessments.

5. The receiver shall with all reasonable speed remove all of the housing code violations which constitute a nuisance as found by the court, and may make other improvements to effect a rehabilitation of the property in such fashion as is consistent with maintaining safe and habitable conditions over the remaining useful life of the property. The receiver shall have the power to let contracts therefor, in accordance with the provisions of local laws, ordinances, rules and regulations applicable to contracts.

6. The receiver may with the approval of the circuit court borrow money against, and encumber, the property as security therefor in such amounts as may be necessary to carry out his or her responsibilities pursuant to sections 441.500 to 441.643. The circuit court may authorize the receiver to issue receiver's certificates as security against such borrowings, which certificates shall be authorized investments for banks and savings and loan associations, and shall constitute a first lien upon the property and its income and shall be superior to any claims of the receiver and to all prior or subsequent liens and encumbrances except taxes and assessments, and shall be enforceable as provided in subsection 8 of this section.

7. In addition to issuance of receiver certificates, the receiver may pledge the rentals from the property and borrow or encumber the property on the strength of the rental income.

8. Any receiver appointed pursuant to the provisions of sections 441.500 to 441.643 shall have a lien, for the expenses necessarily incurred in the execution of an order, upon the rents receivable from the premises on or in respect of which the work required by such order has been done or expenses incurred, and this lien shall have priority over all other liens and encumbrances of record upon the rents receivable from the premises, except taxes, assessments, receiver's certificates, and mortgages recorded prior to October 13, 1969.

9. For the purposes of this section, "local housing corporation" shall mean only those local housing corporations established prior to April 28, 1999."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Gambaro, **House Amendment No. 2** was adopted.

Representative Fitzwater offered **House Amendment No. 3.***House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for House Bill No. 1305, Section 67.1063, Page 3, Line 19, by inserting immediately after said line the following:

"67.1300. 1. The governing body of any of the contiguous counties of the third classification without a township form of government enumerated in subdivisions (1) to (5) of this subsection or in any county of the fourth classification acting as a county of the second classification, having a population of at least forty thousand but less than forty-five thousand with a state university, and adjoining a county of the first classification with part of a city with a population of three hundred fifty thousand or more inhabitants or a county of the third classification with more than fifteen townships having a population of at least twenty-one thousand inhabitants or a county of the third classification without a township form of government and with a population of at least seven thousand four hundred but less than eight thousand inhabitants or any county of the third classification with a population greater than three thousand but less than four thousand or any county of the third classification with a population greater than six thousand one hundred but less than six thousand four hundred or any county of the third classification with a population greater than six thousand eight hundred but less than seven thousand or any county of the third classification with a population greater than seven thousand eight hundred but less than seven thousand nine hundred or any county of the third classification with a population greater than eight thousand four hundred sixty but less than eight thousand five hundred or any county of the third classification with a population greater than nine thousand but less than nine thousand two hundred or any county of the third classification with a population greater than ten thousand five hundred but less than ten thousand six hundred or any county of the third classification with a population greater than twenty-three thousand five hundred but less than twenty-three thousand seven hundred or a county of the third classification with a population greater than thirty-three thousand but less than thirty-four thousand or a county of the third classification with a population greater than twenty thousand eight hundred but less than twenty-one thousand or a county of the third classification with a population greater than fourteen thousand one hundred but less than fourteen thousand five hundred or a county of the third classification with a population greater than twenty thousand eight hundred fifty but less than twenty-two thousand or a county of the third classification with a population greater than thirty-nine thousand but less than forty thousand or a county of the third classification with a township form of organization and a population greater than twenty-eight thousand but less than twenty-nine thousand or a county of the third classification with a population greater than fifteen thousand but less than fifteen thousand five hundred or a county of the third classification with a population greater than eighteen thousand but less than nineteen thousand seventy or a county of the third classification with a population greater than thirteen thousand nine hundred but less than fourteen thousand four hundred or a county of the third classification with a population greater than twenty-seven thousand but less than twenty-seven thousand five hundred or a county of the first classification without a charter form of government and a population of at least eighty thousand but not greater than eighty-three thousand or a county of the third classification with a population greater than fifteen thousand but less than fifteen thousand nine hundred without a township form of government which does not adjoin any county of the first, second or fourth classification or a county of the third classification with a population greater than twenty-three thousand but less than twenty-five thousand without a township form of government which does not adjoin any county of the second or fourth classification and does adjoin a county of the first classification with a population greater than one hundred twenty thousand but less than one hundred fifty thousand or in any county of the fourth classification acting as a county of the second classification, having a population of at least forty-eight thousand, **or any county of the first classification with a population greater than one hundred twenty thousand but less than one hundred seventy thousand, or any county of the third classification with a population greater than twenty-one thousand nine hundred but less than twenty-three thousand,** or any governing body of a municipality located in any of such counties may impose, by ordinance or order, a sales tax on all retail sales made in such county or municipality which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo:

(1) A county with a population of at least four thousand two hundred inhabitants but not more than four thousand five hundred inhabitants;

(2) A county with a population of at least four thousand seven hundred inhabitants but not more than four thousand nine hundred inhabitants;

(3) A county with a population of at least seven thousand three hundred inhabitants but not more than seven thousand six hundred inhabitants;

(4) A county with a population of at least ten thousand one hundred inhabitants but not more than ten thousand three hundred inhabitants; and

(5) A county with a population of at least four thousand three hundred inhabitants but not more than four thousand five hundred inhabitants.

2. The maximum rate for a sales tax pursuant to this section shall be one percent for municipalities and one-half of one percent for counties.

3. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to the provisions of this section shall be effective unless the governing body of the county or municipality submits to the voters of the county or municipality, at a regularly scheduled county, municipal or state general or primary election, a proposal to authorize the governing body of the county or municipality to impose a tax. Any sales tax imposed pursuant to this section shall not be authorized for a period of more than five years.

4. Such proposal shall be submitted in substantially the following form:

Shall the (city, town, village or county) of impose a sales tax of (insert amount) for the purpose of economic development in the (city, town, village or county)?

GYES

GNO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter after the director of revenue receives notice of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county or municipality shall not impose the sales tax authorized in this section until the governing body of the county or municipality resubmits another proposal to authorize the governing body of the county or municipality to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon; however no such proposal shall be resubmitted to the voters sooner than twelve months from the date of the submission of the last such proposal.

5. All revenue received by a county or municipality from the tax authorized pursuant to the provisions of this section shall be deposited in a special trust fund and shall be used solely for economic development purposes within such county or municipality for so long as the tax shall remain in effect.

6. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for economic development purposes within the county or municipality. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county or municipal funds.

7. All sales taxes collected by the director of revenue pursuant to this section on behalf of any county or municipality, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "Local Economic Development Sales Tax Trust Fund".

8. The moneys in the local economic development sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund and which was collected in each county or municipality imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the county or municipality and the public.

9. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county or municipality which levied the tax. Such funds shall be deposited with the county treasurer of each such county or the appropriate municipal officer in the case of a municipal tax, and all expenditures of funds arising from the local economic development sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county or municipality. Expenditures may be made from the fund for any economic development purposes authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.

10. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county or municipality for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties and municipalities.

11. If any county or municipality abolishes the tax, the county or municipality shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention

in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county or municipality, the director of revenue shall remit the balance in the account to the county or municipality and close the account of that county or municipality. The director of revenue shall notify each county or municipality of each instance of any amount refunded or any check redeemed from receipts due the county or municipality.

12. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section.

13. For purposes of this section, the term "economic development" is limited to the following:

- (1) Operations of economic development or community development offices, including the salaries of employees;
- (2) Provision of training for job creation or retention;
- (3) Provision of infrastructure and sites for industrial development or for public infrastructure projects; and
- (4) Refurbishing of existing structures and property relating to community development."; and

Further amend said substitute, by amending title and enacting clause accordingly.

On motion of Representative Fitzwater, **House Amendment No. 3** was adopted.

Representative Skaggs offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Substitute for House Committee Substitute for House Bill No. 1305, Page 6, Section 82.1050, Line 15, by inserting immediately after said line the following:

"4. The provisions of subsections 1, 2 and 3 shall not apply to landlords owning or leasing five or fewer lots or properties."; and

Further amend said bill, Section 82.1050, Page 6, Line 16, by deleting the figure "4" and inserting in lieu thereof the figure "5".

Representative Lograsso offered **House Substitute Amendment No. 1 for House Amendment No. 4**.

*House Substitute Amendment No. 1
for
House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for House Bill No. 1305, Page 5, Section 82.1050, Line 8, by inserting after the word "any", the words "limited liability company".

Representative Lograsso moved that **House Substitute Amendment No. 1 for House Amendment No. 4** be adopted.

Which motion was defeated.

Representative Troupe offered **House Substitute Amendment No. 2 for House Amendment No. 4**.

*House Substitute Amendment No. 2
for
House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for House Bill No. 1305, Page 5, Section 82.1050, Line 10, by inserting immediately after “**inhabitants**” the following: “**or in any city not within a county**”; and

Further amend said bill, Section 82.1050, Page 6, Line 15, by inserting immediately after said line the following:

“**4. The provisions of subsections 1, 2 and 3 shall not apply to landlords owning or leasing five or fewer lots or properties.**”; and

Further amend said bill, Section 82.1050, Page 6, Line 16, by deleting the figure “**4**” and inserting in lieu thereof the figure “**5**”.

On motion of Representative Troupe, **House Substitute Amendment No. 2 for House Amendment No. 4** was adopted.

Representative Luetkenhaus offered **House Amendment No. 5**.

Representative Monaco raised a point of order that **House Amendment No. 5** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Riback Wilson (25) offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Substitute for House Committee Substitute for House Bill No. 1305, Page 6, Section 82.1050, Line 17, by inserting after said line the following:

"205.571. Sections 205.571 to 205.577 shall be known and may be cited as the "Family and Community Trust Act".

205.573. 1. There is hereby created the "Family and Community Trust". The trust shall be governed by a board which shall include the directors of the departments of corrections, elementary and secondary education, health, labor and industrial relations, economic development, mental health, public safety and social services. The board shall also include nine private sector members of various backgrounds reflective of the geographic and demographic diversity of the state, including persons with evaluation expertise and experience with business partnerships, with knowledge of community organization and support systems, and of the needs and circumstances of children and families. Members shall be residents of the state of Missouri or have their principal place of business in Missouri. The private sector members shall be appointed by the governor, with the advice and consent of the senate, based on recommendations from private and public community-based organizations or individuals. Additional department directors may be appointed; however, an additional private sector member shall be appointed for each additional department director appointed. Private sector members shall serve staggered three-year terms and shall serve no more than two consecutive terms. The governor may appoint nonvoting members to the trust as deemed appropriate by the governor and the trust board.

2. The board shall elect from among its membership cochairpersons, one each from the public and private sectors. Members of the board shall receive no compensation, but may receive reimbursement for their actual and necessary expenses incurred in the performance of their official duties as members of the board.

3. The purpose of the trust is to provide leadership through a public-private partnership, in collaboration with community agencies and organizations, to measurably improve the well-being of Missouri's families, children, individuals and communities, and encourage collaboration among public and private entities to build and strengthen comprehensive community-based support systems. The trust shall also coordinate its efforts with other statewide boards and commissions to advise the governor and legislature on statewide goals and objectives to improve the well-being of Missouri's families, children, individuals and communities through the efficient and effective coordination of state resources.

205.575. 1. The trust, a body corporate and politic, shall have the following powers together with all other powers incidental thereto or necessary for the performance thereof; provided, however, that the trust shall not supersede the statutory authority of the state departments:

(1) To receive, accept and utilize gifts, grants, donations, contributions, money, property, facilities and services, with or without consideration, from any person, firm, corporation, foundation or other entity, or from this state or any agency, instrumentality or political subdivision thereof, from the United States government or any agency, instrumentality thereof, for the purpose of providing sustained technical support and training for state agencies and communities in their attempts to improve the well-being of Missouri's families, children, individuals and communities. Technical training and support shall be available through representatives of state agencies, existing community agencies, community development specialists and qualified researchers;

(2) To create plans, in collaboration with community agencies and state agencies, that identify a common core of measurable results across communities, that assure accountability, and that incorporate interagency and community strategies and other initiatives to improve the well-being of families, children, individuals and communities;

(3) To monitor the implementation of and evaluate the effectiveness of the action plans in achieving the measurable results across the state;

(4) To devise strategies to respond to any federal fiscal policy changes affecting programs which impact on the well-being of families, children, individuals and communities in this state, including those changes required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193, as amended.

2. The trust shall be responsible for advising the governor and the general assembly on state budget or policy changes necessary to achieve:

- (1) Accountability for measurable results;
- (2) Bringing services closer to where families live and work, and children attend school;
- (3) Active community involvement in local decision making to measurably improve the well-being of families, children, individuals and communities;
- (4) Using dollars more flexibly and effectively to meet community needs and priorities consistent with the appropriations process of the general assembly and state policy goals.

3. The trust shall hold at least two public hearings a year. One of these hearings shall be held prior to the development of the departmental budget proposals and the trust shall provide its budget proposals to anyone requesting such proposals prior to the hearing. All other meetings of the trust shall be subject to the provisions of chapter 610, RSMo.

205.577. 1. There is hereby established the "Family and Community Trust Legislative Oversight Committee". The committee shall be comprised of five members of the house of representatives appointed by the speaker of the house with no more than three members from any one political party and five members of the senate appointed by the president pro tem of the senate with no more than three members from any one political party.

2. The committee shall:

- (1) Ensure that the family and community trust is overseeing the state's progress in meeting the goal of improving the well-being of families, children, individuals and communities; and
- (2) Ensure accountability for expenditures of public moneys and measurement of the effectiveness of the plans."; and

Further amend the title, enacting clause, and intersectional references accordingly.

Representative Levin raised a point of order that **House Amendment No. 5** is not germane to the bill.

The Chair ruled the point of order not well taken.

Representative Patek offered **House Amendment No. 1 to House Amendment No. 5**.

Representative Britt raised a point of order that **House Amendment No. 1 to House Amendment No. 5** is in the third degree.

The Chair ruled the point of order well taken.

HCS HB 1305, with House Amendment No. 5 and HS, as amended, pending, was laid over.

On motion of Representative Crump, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Pro Tem Kreider.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Amelia Garrison.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 845	-	Representative Ballard
House Resolution No. 846	-	Representative Wilson (42)
House Resolution No. 847		
through		
House Resolution No. 873	-	Representative Hendrickson
House Resolution No. 874	-	Representative Relford
House Resolution No. 875	-	Representative Harlan
House Resolution No. 876		
through		
House Resolution No. 880	-	Representatives Berkstresser and Robirds
House Resolution No. 881	-	Representative Kreider
House Resolution No. 882	-	Representative Williams (121)
House Resolution No. 883		
through		
House Resolution No. 890	-	Representative Scott
House Resolution No. 891	-	Representative Hagan-Harrell

COMMITTEE REPORT

Committee on Rules, Joint Rules and Bills Perfected and Printed, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HCS HB 1434**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

PERFECTION OF HOUSE BILLS

HCS HB 1305, with House Amendment No. 5 and HS, as amended, pending, relating to rehabilitation of abandoned property, was again taken up by Representative Rizzo.

Representative Patek offered **House Substitute Amendment No. 1 for House Amendment No. 5**.

*House Substitute Amendment No. 1
for
House Amendment No. 5*

AMEND House Substitute for House Committee Substitute for House Bill No. 1305, Page 6, Section 82.1050, Line 17, by inserting after said line the following:

"205.571. Sections 205.571 to 205.577 shall be known and may be cited as the "Family and Community Trust Act".

205.573. 1. There is hereby created the "Family and Community Trust". The trust shall be governed by a board which shall include the directors of the departments of corrections, elementary and secondary education, health, labor and industrial relations, economic development, mental health, public safety and social services. The board shall also include nine private sector members of various backgrounds reflective of the geographic and demographic diversity of the state, including persons with evaluation expertise and experience with business partnerships, with knowledge of community organization and support systems, and of the needs and circumstances of children and families. Members shall be residents of the state of Missouri or have their principal place of business in Missouri. The private sector members shall be appointed by the governor, with the advice and consent of the senate, based on recommendations from private and public community-based organizations or individuals. Additional department directors may be appointed; however, an additional private sector member shall be appointed for each additional department director appointed. Private sector members shall serve staggered three-year terms and shall serve no more than two consecutive terms. The governor may appoint nonvoting members to the trust as deemed appropriate by the governor and the trust board.

2. The board shall elect from among its membership cochairpersons, one each from the public and private sectors. Members of the board shall receive no compensation, but may receive reimbursement for their actual and necessary expenses incurred in the performance of their official duties as members of the board.

3. The purpose of the trust is to provide leadership through a public-private partnership, in collaboration with community agencies and organizations, to measurably improve the well-being of Missouri's families, children, individuals and communities, and encourage collaboration among public and private entities to build and strengthen comprehensive community-based support systems. The trust shall also coordinate its efforts with other statewide boards and commissions to advise the governor and legislature on statewide goals and objectives to improve the well-being of Missouri's families, children, individuals and communities through the efficient and effective coordination of state resources.

4. Any political subdivision in the state by way of their governing entity may adopt a public-private partnership model for their political entity or region. Upon such favorable action, all state agencies identified by the trust in this section shall participate and collaborate with the local political subdivision.

205.575. 1. The trust, a body corporate and politic, shall have the following powers together with all other powers incidental thereto or necessary for the performance thereof; provided, however, that the trust shall not supersede the statutory authority of the state departments:

(1) To receive, accept and utilize gifts, grants, donations, contributions, money, property, facilities and services, with or without consideration, from any person, firm, corporation, foundation or other entity, or from this state or any agency, instrumentality or political subdivision thereof, from the United States government or any agency, instrumentality thereof, for the purpose of providing sustained technical support and training for state agencies and communities in their attempts to improve the well-being of Missouri's families, children, individuals and communities. Technical training and support shall be available through representatives of state agencies, existing community agencies, community development specialists and qualified researchers;

(2) To create plans, in collaboration with community agencies and state agencies, that identify a common core of measurable results across communities, that assure accountability, and that incorporate interagency and community strategies and other initiatives to improve the well-being of families, children, individuals and communities;

(3) To monitor the implementation of and evaluate the effectiveness of the action plans in achieving the measurable results across the state;

(4) To devise strategies to respond to any federal fiscal policy changes affecting programs which impact on the well-being of families, children, individuals and communities in this state, including those changes required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193, as amended.

2. The trust shall be responsible for advising the governor and the general assembly on state budget or policy changes necessary to achieve:

(1) Accountability for measurable results;

(2) Bringing services closer to where families live and work, and children attend school;

(3) Active community involvement in local decision making to measurably improve the well-being of families, children, individuals and communities;

(4) Using dollars more flexibly and effectively to meet community needs and priorities consistent with the appropriations process of the general assembly and state policy goals.

3. The trust shall hold at least two public hearings a year. One of these hearings shall be held prior to the development of the departmental budget proposals and the trust shall provide its budget proposals to anyone requesting such proposals prior to the hearing. All other meetings of the trust shall be subject to the provisions of chapter 610, RSMo.

205.577. 1. There is hereby established the "Family and Community Trust Legislative Oversight Committee". The committee shall be comprised of five members of the house of representatives appointed by the speaker of the house with no more than three members from any one political party and five members of the senate appointed by the president pro tem of the senate with no more than three members from any one political party.

2. The committee shall:

(1) Ensure that the family and community trust is overseeing the state's progress in meeting the goal of improving the well-being of families, children, individuals and communities; and

(2) Ensure accountability for expenditures of public moneys and measurement of the effectiveness of the plans."; and

Further amend the title, enacting clause, and intersectional references accordingly.

On motion of Representative Patek, **House Substitute Amendment No. 1 for House Amendment No. 5** was adopted by the following vote:

AYES: 109

Akin	Alter	Backer	Ballard	Barnett
Bartelsmeyer	Bartle	Bennett	Berkowitz	Berkstresser
Black	Blunt	Boatright	Boykins	Bray 84
Britt	Campbell	Champion	Chrismer	Clayton
Crawford	Days	Dolan	Dougherty	Elliott
Enz	Ford	Foster	Fraser	Froelker
Gambara	Gaskill	Gibbons	Graham 106	Gross
Gunn	Hampton	Hanaway	Hartzler 123	Hartzler 124
Hegeman	Hendrickson	Hilgemann	Hohulin	Holand
Hollingsworth	Hosmer	Howerton	Kasten	Kelley 47
Kelly 27	Kennedy	King	Kissell	Klindt
Kreider	Lakin	Lawson	Leake	Legan
Linton	Lograsso	Long	Loudon	Luetkemeyer
Marble	McBride	McClelland	McKenna	Merideth
Miller	Murphy	Myers	Naeger	Ostmann
Overschmidt	Parker	Patek	Phillips	Pouche 30
Pryor	Purgason	Ransdall	Reinhart	Richardson
Ridgeway	Ross	Sallee	Schwab	Scott
Secrest	Seigfreid	Shields	Skaggs	Smith
Summers	Surface	Thompson	Townley	Troupe
Tudor	Vogel	Wagner	Wiggins	Williams 159
Wilson 25	Wilson 42	Wright	Mr. Speaker	

NOES: 040

Abel	Auer	Barry 100	Bonner	Boucher 48
Crump	Curls	Davis 122	Davis 63	Farnen
Fitzwater	Foley	Franklin	George	Graham 24
Gratz	Green	Hagan-Harrell	Harlan	Hickey
Hoppe	Koller	Levin	Liese	May 108
Mays 50	McLuckie	Monaco	Murray	O'Connor
O'Toole	Reynolds	Rizzo	Scheve	Schilling
Selby	Shelton	Treadway	Van Zandt	Williams 121

PRESENT: 001

Ward

ABSENT WITH LEAVE: 011

Burton	Cierpiot	Evans	Griesheimer	Luetkenhaus
Nordwald	Reid	Relford	Riley	Robirds
Stokan				

VACANCIES: 002

Representative Merideth offered **House Amendment No. 6.**

House Amendment No. 6

AMEND House Substitute for House Committee Substitute for House Bill No. 1305, Page 6, Section 82.1050, Line 17, by inserting after said line the following:

"135.205. For purposes of sections 135.200 to 135.256, an area must meet all the following criteria in order to qualify as an enterprise zone:

- (1) The area is one of pervasive poverty, unemployment, and general distress;
- (2) At least sixty-five percent of the residents living in the area have incomes below eighty percent of the median income of all residents within the state of Missouri according to the last decennial census or other appropriate source as approved by the director;
- (3) The resident population of the area must be at least four thousand but not more than seventy-two thousand

at the time of designation as an enterprise zone if the area lies within a metropolitan statistical area, as established by the United States Census Bureau; or, if the area does not lie within a metropolitan statistical area, the resident population of the area at the time of designation must be at least one thousand but not more than [twenty] **twenty-five** thousand inhabitants. If the population of the jurisdiction of the governing authority does not meet the minimum population requirements set forth in this subdivision, the population of the area must be at least fifty percent of the population of the jurisdiction; provided, however, no enterprise zone shall be created which consists of the total area within the political boundaries of a county; and

(4) The level of unemployment of persons, according to the most recent data available from the division of employment security or from the United States Bureau of Census and approved by the director, within the area exceeds one and one-half times the average rate of unemployment for the state of Missouri over the previous twelve months, or the percentage of area residents employed on a full-time basis is less than fifty percent of the statewide percentage of residents employed on a full-time basis."; and

Further amend said bill by amending the title and enacting clause accordingly.

Representative Monaco raised a point of order that **House Amendment No. 6** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Merideth, **House Amendment No. 6** was adopted.

Representative Overschmidt offered **House Amendment No. 7**.

House Amendment No. 7

AMEND House Substitute for House Committee Substitute for House Bill No. 1305, Page 11, Section 214.205, Line 13, by inserting immediately after said line the following:

"214.131. Every person who shall knowingly destroy, mutilate, disfigure, deface, injure or remove any tomb, monument or gravestone, or other structure placed in any abandoned family cemetery or private burying ground, or any fence, railing, or other work for the protection or ornamentation of any such cemetery or place of burial of any human being, or tomb, monument or gravestone, memento, or memorial, or other structure aforesaid, or of any lot within such cemetery is guilty of [a class A misdemeanor] **institutional vandalism pursuant to section 574.085, RSMo**. For the purposes of this section and subsection 1 of section 214.132, an "abandoned family cemetery" or "private burying ground" shall include those cemeteries or burying grounds which have not been deeded to the public as provided in chapter 214, and in which no body has been interred for at least twenty-five years."; and

Further amend said bill, Section 513.660, Page 23, Line 3, by inserting immediately after said line the following:

"537.523. 1. Irrespective of any criminal prosecution or the result thereof, **any owner of property adjacent to an abandoned family cemetery or private burying ground, as defined in section 214.131, RSMo, any caretaker of an abandoned family cemetery or private burying ground, as defined in section 214.131, RSMo, any person related by blood or marriage to any person buried in such family cemetery or private burying ground, or any person incurring bodily injury or damage or loss to [his] such person's property as a result of conduct in violation of section 574.085[, 574.090 or 574.093] or conduct when the defendant's sentence is enhanced pursuant to section 557.035, RSMo**, shall have a civil action to secure an injunction, damages or other appropriate relief in law or in equity against any and all persons who have violated section 574.085[, 574.090 or 574.093] **RSMo, or any defendant whose sentence was enhanced pursuant to section 557.035, RSMo**.

2. In any such action, whether **a defendant's sentence was enhanced pursuant to section 557.035, RSMo, or a violation of section 574.085, [574.090 or 574.093] RSMo**, has occurred shall be determined according to the

burden of proof used in other civil actions for similar relief.

3. Upon prevailing in such civil action, the plaintiff may recover:

- (1) Both special and general damages; and
- (2) Reasonable attorney fees and costs.

574.085. 1. A person commits the crime of institutional vandalism by knowingly vandalizing, defacing or otherwise damaging:

- (1) Any church, synagogue or other building, structure or place used for religious worship or other religious purpose;
- (2) Any cemetery, mortuary, military monument or other facility used for the purpose of burial or memorializing the dead;
- (3) Any school, educational facility, community center, hospital or medical clinic owned and operated by a religious or sectarian group;
- (4) The grounds adjacent to, and owned or rented by, any institution, facility, building, structure or place described in subdivision (1), (2), or (3) of this subsection;
- (5) Any personal property contained in any institution, facility, building, structure or place described in subdivision (1), (2), or (3) of this subsection; or
- (6) Any motor vehicle which is owned, operated, leased or under contract by a school district or a private school for the transportation of school children.

2. Institutional vandalism is punishable as follows:

- (1) Institutional vandalism is a class A misdemeanor[, except as provided in subdivisions (2) and (3) of this subsection] **if the damage to or loss of the property is valued at less than five hundred dollars;**
- (2) Institutional vandalism is a class D felony if the [offender commits any act described in subsection 1 of this section which causes damage to, or loss of, the property of another in an amount in excess of one thousand dollars] **damage to or loss of the property is valued at at least five hundred dollars and not more than ten thousand dollars;**
- (3) Institutional vandalism is a class C felony if the [offender commits any act described in subsection 1 of this section which causes damage to, or loss of, the property of another in an amount in excess of five thousand dollars] **damage to or loss of the property is valued at at least ten thousand dollars and less than one hundred thousand dollars;**
- (4) **Institutional vandalism is a class C felony and the offender shall be sentenced to seven years incarceration without possibility of probation or parole, if the damage to or loss of the property is valued at at least one hundred thousand dollars.**

3. In determining the amount of damage to property or loss of property, for purposes of this section, damage includes the cost of repair or, where necessary, replacement of the property that was damaged or lost.

4. In addition to any other penalty, the offender shall be ordered to pay restitution for the damage to or loss of the property.”; and

Further amend said bill by amending title and enacting clause and intersectional references accordingly.

On motion of Representative Overschmidt, **House Amendment No. 7** was adopted.

Representative Williams (159) offered **House Amendment No. 8.**

House Amendment No. 8

AMEND House Substitute for House Committee Substitute for House Bill No. 1305, Page 1, Section A, Line 18 of said page, by inserting after all of said line the following:

"32.105. As used in sections 32.100 to 32.125, the following terms mean:

- (1) "Affordable housing assistance activities", money, real or personal property, or professional services expended or devoted to the construction, or rehabilitation of affordable housing units;
- (2) "Affordable housing unit", a residential unit generally occupied by persons and families with incomes at or

below the levels described in this subdivision and bearing a cost to the occupant no greater than thirty percent of the maximum eligible household income for the affordable housing unit. In the case of owner-occupied units, the cost to the occupant shall be considered the amount of the gross monthly mortgage payment, including casualty insurance, mortgage insurance, and taxes. In the case of rental units, the cost to the occupant shall be considered the amount of the gross rent. The cost to the occupant shall include the cost of any utilities, other than telephone. If any utilities are paid directly by the occupant, the maximum cost that may be paid by the occupant is to be reduced by a utility allowance prescribed by the commission. Persons or families are eligible occupants of affordable housing units if the household combined, adjusted gross income as defined by the commission is equal to or less than the following percentages of the median family income for the geographic area in which the residential unit is located, or the median family income for the state of Missouri, whichever is larger; ("geographic area" means the metropolitan area or county designated as an area by the federal Department of Housing and Urban Development under Section 8 of the United States Housing Act of 1937, as amended, for purposes of determining fair market rental rates):

Size of Household	Percent of State or Geographic Area Family Median Income
One Person	35%
Two Persons	40%
Three Persons	45%
Four Persons	50%
Five Persons	54%
Six Persons	58%
Seven Persons	62%
Eight Persons	66%

(3) "Business firm", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state;

(4) "Commission", the Missouri housing development commission;

(5) "Community services", any type of counseling and advice, emergency assistance or medical care furnished to individuals or groups in the state of Missouri or transportation services at below-cost rates as provided in sections 208.250 to 208.275, RSMo;

(6) "Crime prevention", any activity which aids in the reduction of crime in the state of Missouri;

(7) "Defense industry contractor", a person, corporation or other entity which will be or has been negatively impacted as a result of its status as a prime contractor of the Department of Defense or as a second or third tier contractor. A "second tier contractor" means a person, corporation or other entity which contracts to perform manufacturing, maintenance or repair services for a prime contractor of the Department of Defense, and a "third tier contractor" means a person, corporation or other entity which contracts with a person, corporation or other entity which contracts with a prime contractor of the Department of Defense;

(8) "Doing business", among other methods of doing business in the state of Missouri, a partner in a firm or a shareholder in an S corporation shall be deemed to be doing business in the state of Missouri if such firm or S corporation, as the case may be, is doing business in the state of Missouri;

(9) "Economic development", the acquisition, renovation, improvement, or the furnishing or equipping of existing buildings and real estate in distressed or blighted areas of the state when such acquisition, renovation, improvement, or the furnishing or equipping of the business development projects will result in the creation or retention of jobs within the state; or, until June 30, 1996, a defense conversion pilot project located in a standard metropolitan statistical area which contains a city with a population of at least three hundred fifty thousand inhabitants, which will assist Missouri-based defense industry contractors in their conversion from predominately defense-related contracting to nondefense-oriented manufacturing. Only neighborhood organizations, as defined in subdivision (13) of this section, may apply to conduct economic development projects. Prior to the approval of an economic development project, the

neighborhood organization shall enter into a contractual agreement with the department of economic development. Credits approved for economic development projects may not exceed four million dollars from within any one fiscal year's allocation. Neighborhood assistance program tax credits for economic development projects and affordable housing assistance as defined in section 32.111, may be transferred, sold or assigned by a notarized endorsement thereof naming the transferee;

(10) "Education", any type of scholastic instruction or scholarship assistance to an individual who resides in the state of Missouri that enables the individual to prepare himself or herself for better opportunities or community awareness activities rendered by a statewide organization established for the purpose of archeological education and preservation;

(11) "Homeless assistance pilot project", the program established pursuant to section 32.117;

(12) "Job training", any type of instruction to an individual who resides in the state of Missouri that enables the individual to acquire vocational skills so that the individual can become employable or be able to seek a higher grade of employment;

(13) "Neighborhood organization", any organization performing community services or economic development activities in the state of Missouri and:

(a) Holding a ruling from the Internal Revenue Service of the United States Department of the Treasury that the organization is exempt from income taxation pursuant to the provisions of the Internal Revenue Code; or

(b) Incorporated in the state of Missouri as a not for profit corporation pursuant to the provisions of chapter 355, RSMo; or

(c) Designated as a community development corporation by the United States government pursuant to the provisions of Title VII of the Economic Opportunity Act of 1964; or

(d) Contributing funds to help finance a building or structure located within this state and used to sell agricultural food products grown or produced in Missouri by family farm corporations, as defined in subdivision (5) of section 350.010, RSMo, family farms as defined in subdivision (4) of section 350.010, RSMo, and value-added agricultural products produced by eligible new generation cooperatives, as defined in section 348.340, RSMo;

(14) "Physical revitalization", furnishing financial assistance, labor, material, or technical advice to aid in the physical improvement or rehabilitation of any part or all of a neighborhood area;

(15) "S corporation", a corporation described in Section 1361(a)(1) of the United States Internal Revenue Code and not subject to the taxes imposed by section 143.071, RSMo, by reason of section 143.471, RSMo;

(16) "Workfare renovation project", any project initiated pursuant to sections 215.340 to 215.355, RSMo.

32.115. 1. The department of revenue shall grant a tax credit, to be applied in the following order until used, against:

(1) The annual tax on gross premium receipts of insurance companies in chapter 148, RSMo;

(2) The tax on banks determined pursuant to subdivision (2) of subsection 2 of section 148.030, RSMo;

(3) The tax on banks determined in subdivision (1) of subsection 2 of section 148.030, RSMo;

(4) The tax on other financial institutions in chapter 148, RSMo;

(5) The corporation franchise tax in chapter 147, RSMo;

(6) The state income tax in chapter 143, RSMo; and

(7) The annual tax on gross receipts of express companies in chapter 153, RSMo.

2. For proposals approved pursuant to section 32.110:

(1) The amount of the tax credit shall not exceed fifty percent of the total amount contributed during the taxable year by the business firm or, in the case of a financial institution, where applicable, during the relevant income period in programs approved pursuant to section 32.110;

(2) Except as provided in subsection 2 or 5 of this section, a tax credit of up to seventy percent may be allowed for contributions to programs where activities fall within the scope of special program priorities as defined with the approval of the governor in regulations promulgated by the director of the department of economic development;

(3) Except as provided in subsection 2 or 5 of this section, the tax credit allowed for contributions to programs located in any community shall be equal to seventy percent of the total amount contributed where such community is a city, town or village which has fifteen thousand or less inhabitants as of the last decennial census and is located in a county which is either located in:

(a) An area that is not part of a standard metropolitan statistical area;

(b) A standard metropolitan statistical area but such county has only one city, town or village which has more

than fifteen thousand inhabitants; or

(c) A standard metropolitan statistical area and a substantial number of persons in such county derive their income from agriculture.

Such community may also be in an unincorporated area in such county as provided in subdivision (1), (2) or (3) of this subsection. Except in no case shall the total economic benefit of the combined federal and state tax savings to the taxpayer exceed the amount contributed by the taxpayer during the tax year;

(4) Such tax credit allocation, equal to seventy percent of the total amount contributed, shall not exceed four million dollars in fiscal year 1999 and six million dollars in fiscal year 2000 and any subsequent fiscal year. When the maximum dollar limit on the seventy percent tax credit allocation is committed, the tax credit allocation for such programs shall then be equal to fifty percent credit of the total amount contributed. Regulations establishing special program priorities are to be promulgated during the first month of each fiscal year and at such times during the year as the public interest dictates. Such credit shall not exceed two hundred and fifty thousand dollars annually except as provided in subdivision (5) of this subsection. No tax credit shall be approved for any bank, bank and trust company, insurance company, trust company, national bank, savings association, or building and loan association for activities that are a part of its normal course of business. Any tax credit not used in the period the contribution was made may be carried over the next five succeeding calendar or fiscal years until the full credit has been claimed. Except as otherwise provided for proposals approved pursuant to section 32.111, 32.112 or 32.117, in no event shall the total amount of all other tax credits allowed pursuant to sections 32.100 to 32.125 exceed thirty-two million dollars in any one fiscal year, of which six million shall be credits allowed pursuant to section 135.460, RSMo. If six million dollars in credits are not approved, then the remaining credits may be used for programs approved pursuant to sections 32.100 to 32.125;

(5) The credit may exceed two hundred fifty thousand dollars annually and shall not be limited if community services, crime prevention, education, job training, physical revitalization or economic development, as defined by section 32.105, is rendered in an area defined by federal or state law as an impoverished, economically distressed, or blighted area or as a neighborhood experiencing problems endangering its existence as a viable and stable neighborhood, or if the community services, crime prevention, education, job training, physical revitalization or economic development is limited to impoverished persons.

3. For proposals approved pursuant to section 32.111:

(1) The amount of the tax credit shall not exceed fifty-five percent of the total amount invested in affordable housing assistance activities or market rate housing in distressed communities as defined in section 135.530, RSMo, by a business firm. Whenever such investment is made in the form of an equity investment or a loan, as opposed to a donation alone, tax credits may be claimed only where the loan or equity investment is accompanied by a donation which is eligible for federal income tax charitable deduction, and where the total value of the tax credits herein plus the value of the federal income tax charitable deduction is less than or equal to the value of the donation. Any tax credit not used in the period for which the credit was approved may be carried over the next ten succeeding calendar or fiscal years until the full credit has been allowed. If the affordable housing units or market rate housing units in distressed communities for which a tax is claimed are within a larger structure, parts of which are not the subject of a tax credit claim, then expenditures applicable to the entire structure shall be reduced on a prorated basis in proportion to the ratio of the number of square feet devoted to the affordable housing units or market rate housing units in distressed communities, for purposes of determining the amount of the tax credit. The total amount of tax credit granted for programs approved pursuant to section 32.111 for the fiscal year beginning July 1, 1991, shall not exceed two million dollars, to be increased by no more than two million dollars each succeeding fiscal year, until the total tax credits that may be approved reaches ten million dollars in any fiscal year;

(2) For any year during the compliance period indicated in the land use restriction agreement, the owner of the affordable housing rental units for which a credit is being claimed shall certify to the commission that all tenants renting claimed units are income eligible for affordable housing units and that the rentals for each claimed unit are in compliance with the provisions of sections 32.100 to 32.125. The commission is authorized, in its discretion, to audit the records and accounts of the owner to verify such certification;

(3) In the case of owner-occupied affordable housing units, the qualifying owner occupant shall, before the end of the first year in which credits are claimed, certify to the commission that the occupant is income eligible during the preceding two years, and at the time of the initial purchase contract, but not thereafter. The qualifying owner occupant shall further certify to the commission, before the end of the first year in which credits are claimed, that during the

compliance period indicated in the land use restriction agreement, the cost of the affordable housing unit to the occupant for the claimed unit can reasonably be projected to be in compliance with the provisions of sections 32.100 to 32.125. Any succeeding owner occupant acquiring the affordable housing unit during the compliance period indicated in the land use restriction agreement shall make the same certification;

(4) If at any time during the compliance period the commission determines a project for which a proposal has been approved is not in compliance with the applicable provisions of sections 32.100 to 32.125 or rules promulgated therefor, the commission may within one hundred fifty days of notice to the owner either seek injunctive enforcement action against the owner, or seek legal damages against the owner representing the value of the tax credits, or foreclose on the lien in the land use restriction agreement, selling the project at a public sale, and paying to the owner the proceeds of the sale, less the costs of the sale and less the value of all tax credits allowed herein. The commission shall remit to the director of revenue the portion of the legal damages collected or the sale proceeds representing the value of the tax credits. However, except in the event of intentional fraud by the taxpayer, the proposal's certificate of eligibility for tax credits shall not be revoked.

4. For proposals approved pursuant to section 32.112, the amount of the tax credit shall not exceed fifty-five percent of the total amount contributed to a neighborhood organization by business firms. Any tax credit not used in the period for which the credit was approved may be carried over the next ten succeeding calendar or fiscal years until the full credit has been allowed. The total amount of tax credit granted for programs **of neighborhood organizations defined pursuant to paragraphs (a), (b) and (c) of subdivision (13) of section 32.105** approved pursuant to section 32.112 shall not exceed one million dollars for each fiscal year **and the total amount of tax credit granted for programs of neighborhood organizations defined pursuant to paragraph (d) of subdivision (13) of section 32.105** approved pursuant to section 32.112 shall not exceed five million dollars per fiscal year for fiscal years 2002 to 2006.

5. The total amount of tax credits used for market rate housing in distressed communities pursuant to sections 32.100 to 32.125 shall not exceed thirty percent of the total amount of all tax credits authorized pursuant to sections 32.111 and 32.112.

34.047. The commissioner of administration shall provide a five-percent bidding preference for agricultural food products produced by an eligible new generation cooperative. As used in this section, "eligible new generation cooperative" means a nonprofit cooperative association formed pursuant to chapter 274, RSMo.; and

Further amend said bill, Page 17, Section 260.210, Line 2 of said page, by inserting after all of said line the following:

"261.031. The marketing program currently known as AgriMissouri is renamed "Producer's Choice".

261.032. The director of the department of agriculture shall, for the use of the marketing division of the department of agriculture, develop and implement rules and regulations by product category for all Missouri agricultural products included in the Producer's Choice marketing program, formerly known as AgriMissouri, or any equivalent successor program. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it is promulgated pursuant to chapter 536, RSMo.

261.037. 1. There is hereby created in the state treasury for the use of the marketing division of the state department of agriculture a fund to be known as "The Missouri Agricultural Products Marketing Development Fund". The general assembly shall appropriate to the fund from the general revenue fund one million three hundred thousand dollars for fiscal year 2002, one million dollars for fiscal year 2003 and seven hundred fifty thousand dollars for fiscal year 2006. All moneys received by the state department of agriculture for Missouri agricultural products marketing development from any source shall be deposited in the fund. Moneys deposited in the fund shall, upon appropriation by the general assembly to the state department of agriculture, be expended by the marketing division of the state department of agriculture for purposes of Missouri agricultural products marketing development as specified in this section. The unexpended balance in the Missouri agricultural products marketing development fund at the end of the biennium shall not be transferred to the ordinary revenue fund of the state treasury and accordingly shall be exempt from the provisions of section 33.080, RSMo, relating to transfer of funds to the ordinary revenue funds of the state by the state treasurer.

2. There is hereby created within the department of agriculture the "Citizens' Advisory Commission for Marketing Missouri Agricultural Products". The commission shall establish guidelines for the spending by the

marketing division of the department of agriculture of all moneys in the Missouri agricultural products marketing development fund created pursuant to subsection 1 of this section. The guidelines shall focus on the promotion of the Producer's Choice or successor trademark associated with Missouri agricultural products which has been approved by the general assembly, and shall advance the following objectives:

- (1) Increasing the impact and fostering the effectiveness of local efforts to promote Missouri agricultural products;
- (2) Enabling and encouraging expanded advertising efforts for Missouri agricultural products;
- (3) Encouraging effective, high-quality advertising projects, innovative marketing strategies, and the coordination of local, regional and statewide marketing efforts;
- (4) Providing training and technical assistance to cooperative-marketing partners.

The marketing division of the department of agriculture is authorized to promote rules consistent with the guidelines set by the commission. No rules or portion of a rule shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

3. The commission shall consist of seven members appointed by the governor with the advice and consent of the senate. One member shall be the director of the market development division of the department of agriculture. At least one member shall be a specialist in advertising; at least one member shall be a specialist in agribusiness; at least one member shall be a specialist in the retail grocery business; at least one member shall be a specialist in communications; at least one member shall be a specialist in product distribution; and at least one member shall be a farmer. Members shall serve for four-year terms, except in the first appointments three members shall be appointed for terms of four years, two members shall be appointed for terms of three years and two members shall be appointed for terms of two years each. Any member appointed to fill a vacancy of an unexpired term shall be appointed for the remainder of the term of the member causing the vacancy. The governor shall appoint a chairperson of the commission, subject to ratification by the commission.

4. Commission members shall receive no compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties on the commission. The division of market development of the department of agriculture shall provide all necessary staff and support services as required by the commission to hold commission meetings, to maintain records of official acts and to conduct all other business of the commission. The commission shall meet quarterly and at any such time that it deems necessary. Meetings may be called by the chairperson or by a petition signed by a majority of the members of the commission. Ten days notice shall be given in writing to such members prior to the meeting date. A simple majority of the members of the commission shall be present to constitute a quorum. Proxy voting shall not be permitted.

261.038. The marketing division of the department of agriculture shall create an Internet web site for the purpose of fostering the marketing of Missouri agricultural products over the Internet. The web site shall allow consumers to place orders for Missouri agricultural products over the Internet and shall enable small companies which process Missouri agricultural products to pool products with other such small companies."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Williams (159), **House Amendment No. 8** was adopted.

Representative Ridgeway requested a division of the question on **HS HCS HB 1305, as amended.**

The division of the question was denied by the Chair based on Rule 78 and the amendments previously adopted.

Representative Ford offered **House Amendment No. 9.**

House Amendment No. 9

AMEND House Substitute for House Committee Substitute for House Bill No. 1305, Page 27, Section 620.018, Line 13, by inserting immediately after said line the following:

"Section 1. 1. The Missouri housing development commission shall establish a pilot project, in conjunction with the governing body of any city not within a county, to renovate abandoned houses within any city not within a county, for sale to individuals with incomes at or below three hundred percent of the federal poverty level. The price of the renovated housing sale shall not exceed the costs incurred for the renovation.

2. The Missouri housing development commission shall establish a priority plan for renovating housing pursuant to subdivision 1 of this section, with areas within any city not within a county with the largest number of abandoned houses receiving first priority.

3. In addition to all court fees and costs prescribed by law, a surcharge of five dollars shall be assessed as costs in each court proceeding filed within the twenty-second judicial circuit for all violations of traffic laws of the state including an infraction, except that no surcharge shall be collected in any proceeding in any court when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality.

4. Any city not within a county shall use all funds received pursuant to subdivision 3 of this section to fund the housing renovation program pursuant to this section.

5. The provisions of this section shall expire on January 1, 2006."; and

Further amend said substitute, by amending the title and enacting clause accordingly.

On motion of Representative Ford, **House Amendment No. 9** was adopted by the following vote:

AYES: 105

Abel	Akin	Alter	Auer	Backer
Barnett	Barry 100	Bartle	Berkowitz	Black
Bonner	Boucher 48	Boykins	Bray 84	Britt
Burton	Campbell	Champion	Clayton	Crump
Curls	Davis 122	Davis 63	Days	Dolan
Dougherty	Farnen	Fitzwater	Foley	Ford
Franklin	Fraser	Gambaro	Gaskill	George
Graham 106	Graham 24	Gratz	Green	Gunn
Hagan-Harrell	Hampton	Hanaway	Harlan	Hartzler 123
Hegeman	Hickey	Hilgemann	Holand	Hollingsworth
Hoppe	Hosmer	Kasten	Kelley 47	Kelly 27
Kennedy	Kissell	Koller	Kreider	Lakin
Lawson	Leake	Liese	May 108	Mays 50
McBride	McClelland	McKenna	McLuckie	Merideth
Miller	Monaco	Murray	Myers	O'Connor
O'Toole	Ostmann	Overschmidt	Parker	Patek
Ransdall	Reynolds	Rizzo	Robirds	Sallee
Scheve	Schilling	Secrest	Seigfreid	Selby
Shelton	Skaggs	Smith	Thompson	Treadway
Troupe	Van Zandt	Wagner	Ward	Wiggins
Williams 121	Williams 159	Wilson 25	Wilson 42	Mr. Speaker

NOES: 047

Ballard	Bartelsmeyer	Bennett	Berkstresser	Blunt
Boatright	Chrismer	Cierpiot	Crawford	Enz
Foster	Froelker	Gibbons	Griesheimer	Gross
Hartzler 124	Hendrickson	Hohulin	Howerton	King
Klindt	Legan	Levin	Linton	Lograsso
Long	Loudon	Luetkemeyer	Marble	Murphy
Naeger	Nordwald	Phillips	Pouche 30	Purgason
Reid	Reinhart	Richardson	Ridgeway	Ross

Schwab
Tudor

Shields
Wright

Summers

Surface

Townley

PRESENT: 000

ABSENT WITH LEAVE: 009

Elliott
Riley

Evans
Scott

Luetkenhaus
Stokan

Pryor
Vogel

Relford

VACANCIES: 002

Representative McClelland offered **House Amendment No. 10.**

House Amendment No. 10

AMEND House Substitute for House Committee Substitute for House Bill No. 1305, Page 65, Section 353.020, Lines 2-5, by deleting “**and any county of the first classification with a charter form of government and a population of at least nine hundred thousand inhabitants**” found on said lines.

On motion of Representative McClelland, **House Amendment No. 10** was adopted.

Representative Pouche offered **House Amendment No. 11.**

House Amendment No. 11

AMEND House Substitute for House Committee Substitute for House Bill No. 1305, Page 6, Section 82.1050, Line 17, by inserting after all of said line the following:

"91.066. Beginning August 28, 2000, no municipality having a municipally-owned or operated water service shall purchase any part of any public water supply district that is located wholly outside the boundaries of such municipality."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Pouche, **House Amendment No. 11** was adopted.

Representative Boatright offered **House Amendment No. 12.**

House Amendment No. 12

AMEND House Substitute for House Committee Substitute for House Bill No. 1305, Page 17, Section 260.210, Line 2, by inserting at the end of said line the following:

"262.260. 1. The commission shall establish admission fees to be charged at the gates of the fairgrounds. The admission fees, revenues from the sale of privileges and revenues as a result of pari-mutuel wagering shall be payable to and collected by **the department of agriculture and transmitted to** the state director of revenue who shall deposit the same [in the general revenue fund to the credit of the state fair fee account] **to the credit of the "State Fair Fee Fund" which is hereby created in the state treasury. Such fund may also receive gifts, grants, contributions, appropriations and funds or benefits from any other source or sources.** The money in the state fair fee [account] **fund** may be used in improving and beautifying the grounds, paying premiums and defraying expenses of the state fair, including officers' salaries, the hire of assistants, expense and equipment, capital improvements and maintenance and repair.

2. The unexpended balance in the state fair fee fund at the end of each fiscal year shall not be transferred to the general revenue fund of the state, and the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue fund of the state by the state treasurer shall not apply to the state fair fee fund.

3. Any portion of the fund not immediately needed for the purposes authorized shall be invested by the state treasurer as provided by the constitution and laws of this state. All income from such investments shall be deposited in the state fair fee fund.”; and

Further amend title, enacting clause and intersectional references accordingly.

On motion of Representative Boatright, **House Amendment No. 12** was adopted.

Representative Riback Wilson (25) offered **House Amendment No. 13.**

House Amendment No. 13

AMEND House Substitute for House Committee Substitute for House Bill No. 1305, Page 17, Section 260.210, Line 2 of said page, by inserting after said line the following:

"441.900. 1. As used in this section, the following terms mean:

(1) "Manufactured home", the same meaning as provided in section 700.010, RSMo;

(2) "Manufactured or mobile home land lease community", any area, lot, parcel or tract held in common ownership and on which individual portions of such area, lot, parcel or tract are leased for the placement of manufactured or mobile homes as a primary residence;

(3) "Mobile home", a residential building constructed or assembled in a factory which is not certified pursuant to the federal Housing and Urban Development (HUD) Code and which conforms to the American National Standards Institute (ANSI) standards for mobile homes.

2. A landlord of a manufactured or mobile home land lease community shall provide written notice to all of the community's tenants who own their manufactured or mobile homes at least one hundred eighty days prior to requiring such tenants to vacate the property due to a change in use of the property. In cases where more than one hundred eighty days remain on a current lease, the longer time period shall apply for purposes of providing notice pursuant to this section. The landlord shall not increase the rent, except for a rent increase based solely on an increase in property taxes, for any tenant of the manufactured or mobile home land lease community within sixty days of providing such notice.

3. Nothing in this section shall be construed as prohibiting a landlord from evicting a tenant with less than one hundred eighty days' notice for a violation of the lease or as otherwise provided by law.”; and

Further amend said bill by amending the title and enacting clause accordingly.

Representative Kennedy raised a point of order that **House Amendment No. 13** is not germane to the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Riback Wilson (25), **House Amendment No. 13** was adopted.

Representative Burton offered **House Amendment No. 14.**

House Amendment No. 14

AMEND House Substitute for House Committee Substitute for House Bill No. 1305, Page 6, Section 82.1050, by adding Subsection 6:

“6. No more than \$25.00 per property may be charged for a registration fee.”

On motion of Representative Burton, **House Amendment No. 14** was adopted.

Representative Luetkenhaus offered **House Amendment No. 15**.

Representative Rizzo raised a point of order that **House Amendment No. 15** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Reid offered **House Amendment No. 15**.

House Amendment No. 15

AMEND House Substitute for House Committee Substitute for House Bill No. 1305, Pages 23- 27, Section 620.018, by deleting section 620.018 in its entirety found on said pages, and by amending the title and enacting clause accordingly.

Representative Hanaway offered **House Substitute Amendment No. 1 for House Amendment No. 15**.

*House Substitute Amendment No. 1
for
House Amendment No. 15*

AMEND House Substitute for House Committee Substitute for House Bill No. 1305, Page 24, Section 620.018.1(3), Line 2, by deleting the word “individual.”.

On motion of Representative Hanaway, **House Substitute Amendment No. 1 for House Amendment No. 15** was adopted.

On motion of Representative Rizzo, **HS HCS HB 1305, as amended**, was adopted.

On motion of Representative Rizzo, **HS HCS HB 1305, as amended**, was ordered perfected and printed.

HCS HBs 1574 & 1640, relating to regulation of hospitals, was placed on the Informal Calendar.

Representative Smith assumed the Chair.

HCS HBs 1677, 1675 & 1676, relating to domestic violence, was taken up by Representative Riback Wilson (25).

Representative Riback Wilson (25) offered **HS HCS HBs 1677, 1675 & 1676**.

Representative Dougherty offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1677, 1675 & 1676, Page 7, Section 375.1312, Line 5 of said page, by inserting after all of said line the following:

"454.1200. 1. A person less than eighteen years of age shall be deemed an emancipated minor if:
(1) The minor enters into a valid marriage, whether or not the marriage is subsequently dissolved; or
(2) The minor has served or is currently serving with the armed forces or National Guard of the United States.

2. A person less than eighteen years of age shall be eligible for limited emancipation if he or she receives a judgment of limited emancipation pursuant to sections 454.1200 to 454.1209.

454.1203. 1. Pursuant to Supreme Court Rule 52.02, a next friend may petition the court for a judgment of limited emancipation for a minor. If the minor has resided in the state for a period of not less than ninety days, the petition for limited emancipation may be brought in the family or juvenile court in the county where:

- (1) The minor is under the jurisdiction of the court; or**
- (2) The minor currently resides.**

2. The verified petition shall set forth with specificity the following facts:

(1) The minor is at least sixteen years of age;
(2) The minor willingly lives separate and apart from the minor's parents, legal custodian or legal guardian with the implied or express consent of the minor's parents, legal custodian or legal guardian;

(3) The minor is managing his or her own financial affairs. As evidence of this, the minor shall complete and attach to the petition a declaration of income and expenses. The Supreme Court of Missouri shall develop the form for such declaration;

(4) The source of the minor's income is not derived from any activity declared to be a crime by the laws of this state or the United States;

(5) The minor has participated in individual counseling, family mediation or a similar effort to determine alternatives to limited emancipation, or the minor has attempted to participate in individual counseling, family mediation or a similar effort to determine alternatives to emancipation, but was precluded from receiving the service because he or she could not obtain the consent of a parent, legal custodian or legal guardian;

(6) Limited emancipation is in the best interest of the child; and

(7) The minor understands the consequences of limited emancipation.

3. The court shall appoint a guardian ad litem or CASA volunteer for the minor who meets all of the requirements of subsection 2 of this section. Such guardian ad litem shall be an attorney licensed to practice law in the state of Missouri. The guardian ad litem or CASA volunteer may, for purposes of determining emancipation eligibility, participate in the proceedings as if such a guardian ad litem or CASA volunteer were a party.

4. Upon the filing of the petition for limited emancipation, the court shall cause a summons to be issued to the parents, legal custodian or legal guardian of the minor.

5. In cases where the minor is currently under the jurisdiction of the court at the time of filing, the court shall cause a summons to be issued to the deputy juvenile officer involved in the case. Such officer may, for purposes of determining emancipation eligibility, participate in the proceedings as if he or she were a party.

454.1206. A judgment of limited emancipation shall be considered conclusive and binding unless:

(1) For good cause shown, a judgment of limited emancipation is set aside after notice and hearing if the emancipated minor petitions the court that emancipation is no longer in his or her best interest; or

(2) The court continues the matter for further hearing not less than thirty days or more than six months

after the original hearing, and may order the parties to seek counseling.

454.1209. A judgment for limited emancipation of a minor shall have the following effects:

(1) The minor may consent to medical, dental or psychiatric care for himself or herself without parental consent, knowledge or liability;

(2) The minor may enter into a binding contract for the purposes of establishing a household, purchasing a motor vehicle, obtaining medical care, pursuing his or her education, or securing employment;

(3) The minor may sue and be sued in his or her own name for liabilities arising from his or her ability to establish a household, purchasing a vehicle, obtain medical care, pursue his or her education, or secure employment;

(4) The minor may enroll in any secondary school or college, or enter into any educational loan agreement without parental consent; and

(5) The minor shall be entitled to his or her earnings, and he or she may establish bank accounts without the permission of his or her parents, legal custodian or legal guardian."; and

Further amend said bill, Page 8, Section 455.010, Line 14 of said page, by inserting after the word "emancipated" the words "**pursuant to sections 454.1200 to 454.1209, RSMo**"; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Dougherty, **House Amendment No. 1** was adopted.

Representative McKenna offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1677, 1675 & 1676, Page 17, Section 455.230, Line 23, by inserting after said line all of the following:

“3. In addition to any shelter funded under said section, subject to appropriation, the Department of Social Services shall fund a child assessment center to serve the needs of children from families in conflict and from domestic violence to be located in Jefferson County.”

On motion of Representative McKenna, **House Amendment No. 2** was adopted.

Representative Patek offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1677, 1675 & 1676, Page 27, Section 565.074, Line 4, by deleting "**D**" and inserting in lieu thereof "**B**".

On motion of Representative Patek, **House Amendment No. 3** was adopted by the following vote:

AYES: 130

Abel	Akin	Alter	Backer	Ballard
Barnett	Bartelsmeyer	Bartle	Bennett	Berkowitz
Berkstresser	Black	Blunt	Boatright	Boucher 48
Boykins	Britt	Campbell	Champion	Chrismer
Cierpiot	Clayton	Crawford	Curls	Davis 122
Davis 63	Dolan	Dougherty	Elliott	Enz

Foley	Ford	Foster	Franklin	Fraser
Froelker	Gambaro	Gaskill	Gibbons	Graham 106
Graham 24	Gratz	Griesheimer	Gross	Gunn
Hampton	Hanaway	Hartzler 123	Hartzler 124	Hegeman
Hendrickson	Hickey	Hilgemann	Hohulin	Holand
Hollingsworth	Hoppe	Hosmer	Howerton	Kelley 47
Kelly 27	Kennedy	King	Kissell	Klindt
Koller	Kreider	Lakin	Lawson	Leake
Legan	Levin	Liese	Linton	Long
Loudon	Luetkemeyer	Luetkenhaus	Marble	May 108
McBride	McClelland	McKenna	Merideth	Miller
Monaco	Murphy	Myers	Naeger	Nordwald
O'Toole	Ostmann	Overschmidt	Parker	Patek
Phillips	Pouche 30	Purgason	Ransdall	Reid
Reinhart	Ridgeway	Rizzo	Robirds	Ross
Sallee	Scheve	Schilling	Schwab	Scott
Secrest	Seigfreid	Shields	Skaggs	Smith
Summers	Surface	Townley	Treadway	Troupe
Tudor	Vogel	Wagner	Wiggins	Williams 121
Williams 159	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 019

Auer	Barry 100	Bonner	Days	Farnen
Fitzwater	George	Green	Hagan-Harrell	Kasten
Lograsso	McLuckie	Murray	O'Connor	Reynolds
Richardson	Selby	Shelton	Van Zandt	

PRESENT: 001

Ward

ABSENT WITH LEAVE: 011

Bray 84	Burton	Crump	Evans	Harlan
Mays 50	Pryor	Relford	Riley	Stokan
Thompson				

VACANCIES: 002

Representative Fraser offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1677, 1675 & 1676, Page 21, Section 565.063, Lines 11-13, by deleting the following:

"adults who are presently dating each other or have dated each other in the past, adults who are engaged to each other or have been engaged to each other in the past,"

and inserting in lieu thereof the following:

"a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim,"; and

Further amend said House Substitute, Page 25, Section 565.063, Line 3, by deleting **"16."**; and

Further amend said section and page, Line 3, by inserting an opening bracket "[" before the word "The" and line 4, by inserting a closing bracket "]" after "1999".

On motion of Representative Fraser, **House Amendment No. 4** was adopted by the following vote:

AYES: 105

Abel	Auer	Backer	Barnett	Barry 100
Berkowitz	Black	Bonner	Boucher 48	Boykins
Bray 84	Britt	Campbell	Champion	Clayton
Crawford	Crump	Curls	Davis 122	Davis 63
Days	Dolan	Dougherty	Farnen	Fitzwater
Foley	Ford	Franklin	Fraser	Gambara
George	Gibbons	Graham 106	Graham 24	Gratz
Green	Gunn	Hagan-Harrell	Hampton	Harlan
Hegeman	Hickey	Hilgemann	Holand	Hollingsworth
Hoppe	Hosmer	Kasten	Kelley 47	Kelly 27
Kennedy	Kissell	Klindt	Koller	Kreider
Lawson	Leake	Levin	Long	Luetkenhaus
May 108	Mays 50	McBride	McClelland	McKenna
McLuckie	Merideth	Monaco	Murphy	Murray
Myers	Naeger	O'Connor	O'Toole	Ostmann
Overschmidt	Parker	Patek	Phillips	Pouche 30
Ransdall	Reynolds	Richardson	Rizzo	Ross
Scheve	Schilling	Seigfreid	Selby	Shelton
Shields	Skaggs	Smith	Thompson	Treadway
Tudor	Van Zandt	Wagner	Ward	Wiggins
Williams 121	Williams 159	Wilson 25	Wilson 42	Mr. Speaker

NOES: 045

Akin	Alter	Ballard	Bartelsmeyer	Bartle
Bennett	Berkstresser	Blunt	Boatright	Chrismer
Cierpiot	Enz	Foster	Froelker	Gaskill
Griesheimer	Gross	Hanaway	Hartzler 123	Hartzler 124
Hendrickson	Hohulin	Howerton	King	Legan
Linton	Lograsso	Loudon	Marble	Miller
Nordwald	Purgason	Reid	Reinhart	Ridgeway
Robirds	Sallee	Schwab	Scott	Secrest
Summers	Surface	Townley	Vogel	Wright

PRESENT: 000

ABSENT WITH LEAVE: 011

Burton	Elliott	Evans	Lakin	Liese
Luetkemeyer	Pryor	Relford	Riley	Stokan
Troupe				

VACANCIES: 002

Representative Parker offered **House Amendment No. 5.**

House Amendment No. 5

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1677, 1675 & 1676, Page 11, Section 455.050, Lines 21-24, by deleting all of said lines; and

Further amend said substitute, Page 12, Section 455.050, Lines 1 and 2, by deleting all of such lines.

On motion of Representative Parker, **House Amendment No. 5** was adopted.

Representative Summers offered **House Amendment No. 6.**

House Amendment No. 6

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1677, 1675 & 1676, Page 27, Section 565.090, Line 18, by inserting an opening bracket (“[”) after the word “anonymously”; and

Further amend said section and page, Line 19, by inserting a closing bracket (“]”) after the word “calls”; and

Further amend said section and page, Line 20, by inserting at the end of said line the following:

“3. A person commits the crime of aggravated harassment by committing any two of the following acts, for the purpose of frightening or disturbing another person.

(1) Communicates through any medium, including electronic mail, in writing or by telephone, a threat to commit any felony; or

(2) Makes a telephone call or communicates through any medium, including by electronic mail or in writing, and uses coarse language offensive to one of average sensibility; or

(3) Makes a telephone call anonymously; or

4. Aggravated harassment may also be committed by making repeated and excessive phone calls for the purpose of frightening or disturbing another person.

5. Aggravated harassment is a class D felony.”

On motion of Representative Summers, **House Amendment No. 6** was adopted.

Representative Lograsso offered **House Amendment No. 7**.

House Amendment No. 7

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1677, 1675 & 1676, Page 7, Section 375.1312, Line 5, by adding the following at the end of said line:

“If a child is emancipated pursuant to any section of law, the amount of child support paid for such child shall automatically be terminated by the court at the time of emancipation. In determining the amount of child support to be paid for any other children for whom the parent is obligated to pay support, the court may use the most recent form 14 submitted to the court by both parents to recalculate the amount of child support to be paid for any other children. Either parent may file a new form 14 with the court to rebut the presumed child support amount determined by the court in accordance with this subsection.”

Representative Riback Wilson (25) raised a point of order that **House Amendment No. 7** goes beyond the scope of the bill.

Representative Monaco raised an additional point of order that **House Amendment No. 7** amends previously amended material.

Representative Smith requested a parliamentary ruling.

The Parliamentary Committee ruled the points of order not well taken.

On motion of Representative Lograsso, **House Amendment No. 7** was adopted.

Representative Hartzler (124) offered **House Amendment No. 8**.

Representative May (108) raised a point of order that **House Amendment No. 8** goes beyond the scope of the bill.

Representative Smith requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

Representative Gross offered **House Amendment No. 8**.

House Amendment No. 8

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1677, 1675 & 1676, Page 15, Section 455.045, Line 14, by inserting after all of said line the following:

“455.080. 1. Law enforcement agencies may establish procedures to ensure that dispatchers and officers at the scene of an alleged incident of abuse or violation of an order of protection can be informed of any recorded prior incident of abuse involving the abused party and can verify the effective dates and terms of any recorded order of protection.

2. The law enforcement agency shall apply the same standard for response to an alleged incident of abuse or a violation of any order of protection as applied to any like offense involving strangers, except as otherwise provided by law. Law enforcement agencies shall not assign lower priority to calls involving alleged incidents of abuse or violation of protection orders than is assigned in responding to offenses involving strangers. Existence of any of the following factors shall be interpreted as indicating a need for immediate response:

- (1) The caller indicates that violence is imminent or in progress; or
- (2) A protection order is in effect; or
- (3) The caller indicates that incidents of domestic violence have occurred previously between the parties.

3. Law enforcement agencies may establish domestic crisis teams or, if the agency has fewer than five officers whose responsibility it is to respond to calls of this nature, individual officers trained in methods of dealing with family and household quarrels. Such teams or individuals may be supplemented by social workers, ministers or other persons trained in counseling or crisis intervention. When an alleged incident of family or household abuse is reported, the agency may dispatch a crisis team or specially trained officer, if available, to the scene of the incident. **Additional training regarding violence intervention and prevention shall be made available to domestic crisis teams or individual officers who deal with domestic violence issues on a regular basis.**

4. The officer at the scene of an alleged incident of abuse shall inform the abused party of available judicial remedies for relief from adult abuse and of available shelters for victims of domestic violence.

5. Law enforcement officials at the scene shall provide or arrange transportation for the abused party to a medical facility for treatment of injuries or to a place of shelter or safety.

455.300. 1. There is hereby established the "Missouri Domestic Violence Commission" within the department of public safety to study solutions for domestic violence in Missouri. The commission shall be composed of the following members:

- (1) One judge of a juvenile court, who shall be appointed by the chief justice of the supreme court;
- (2) One judge of a family court, who shall be appointed by the chief justice of the supreme court;
- (3) Nine members of the general public, one from each congressional district and no more than five affiliated with the same political party;
- (4) Two members, one from each political party, of the house of representatives, who shall be appointed by the speaker of the house of representatives; and
- (5) Two members, one from each political party, of the senate, who shall be appointed by the president pro tempore of the senate.

All members shall serve for as long as they hold the position which made them eligible for appointment to the Missouri domestic violence commission pursuant to this subsection. All members shall serve without

compensation but may be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the commission.

2. All meetings of the Missouri domestic violence commission shall be open to the public and shall, for all purposes, be deemed open public meetings pursuant to the provisions of sections 610.010 to 610.030, RSMo. The Missouri domestic violence commission shall meet no less than once every two months and shall hold its first meeting no later than sixty days after September 28, 2000. Notice of all meetings of the commission shall be given to the general assembly in the same manner required for notifying the general public of meetings of the general assembly.

3. The Missouri domestic violence commission may make all rules it deems necessary to enable it to conduct its meetings, elect its officers, and set the terms and duties of its officers.

4. The commission shall elect from amongst its members a chairman, vice chairman, a secretary-reporter and any other officers as it deems necessary.

5. The services of the personnel of any agency from which the director or deputy director is a member of the commission shall be made available to the commission at the discretion of such director or deputy director. All meetings of the commission shall be held in the state of Missouri.

6. The commission, by majority vote, may invite individuals representing local and federal agencies or private organizations and the general public to serve as ex officio members of the commission. Such individuals shall not have a vote in commission business and shall serve without compensation but may be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the commission.

455.305. 1. Beginning in 2001, the department of public safety and the Missouri domestic violence commission established pursuant to this chapter, shall establish and administer up to twenty domestic violence prevention/intervention/rehabilitation pilot projects for the following purposes:

- (1) To implement, expand and establish cooperative efforts between law enforcement officers, prosecutors, victim advocacy groups and other related parties to investigate and prosecute incidents of domestic violence;
- (2) To prevent domestic violence and provide immediate shelter for victims of domestic violence;
- (3) To provide treatment and counseling to victims of domestic violence; and
- (4) To work in cooperation with the community to develop education and prevention strategies regarding domestic violence.

2. The pilot projects shall be selected by the department and the commission on a regional basis and representing each geographical area of the state. Subject to appropriation, no individual project shall receive more than twenty-five thousand dollars and no more than sixty percent of the total funds appropriated for the pilot projects shall be awarded to projects serving urban areas of the state.

3. The department and the commission shall promulgate rules and regulations to implement, administer and monitor the pilot projects. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

4. Beginning in 2001, the department and the commission shall submit an annual report of its activities to the speaker of the house of representatives, the president pro tem of the senate, and the governor before December thirty-first of each year.”; and

Further amend the title, enacting clause and intersectional references accordingly.

Representative Gross moved that **House Amendment No. 8** be adopted.

Which motion was defeated.

Representative Parker offered **House Amendment No. 9**.

House Amendment No. 9

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1677, 1675 & 1676, Page 24, Section 565.063, Line 14, by inserting after the word “to” the following:

“the authorized term of imprisonment for”.

On motion of Representative Parker, **House Amendment No. 9** was adopted.

Representative Patek offered **House Amendment No. 10**.

House Amendment No. 10

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1677, 1675 & 1676, Page 17, Section 455.230, Line 21, by inserting after all of said line the following:

“Any shelter for victims of domestic violence as defined in this chapter may apply to the department of public safety for a grant to provide funds for the renovation, construction and improvement of such shelter on a 50/50 state/local match rate, subject to appropriation.”; and

Further amend the title, enacting clause, and intersectional references accordingly.

Representative Luetkenhaus offered **House Substitute Amendment No. 1 for House Amendment No. 10**.

*House Substitute Amendment No. 1
for
House Amendment No. 10*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1677, 1675 & 1676, Page 17, Section 455.230, Line 21, by inserting after all of said line the following:

“Any shelter for victims of domestic violence as defined in this chapter may apply to the department of public safety for a grant to provide funds for the renovation, construction and improvement of such shelter on a 75/25 state/local match rate, subject to appropriation.”; and

Further amend the title, enacting clause, and intersectional references accordingly.

On motion of Representative Luetkenhaus, **House Substitute Amendment No. 1 for House Amendment No. 10** was adopted.

Representative Graham (24) offered **House Amendment No. 11**.

House Amendment No. 11

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1677, 1675 & 1676, Page 10, Section 455.010, Line 23, by inserting after all of said line the following:

“455.205. 1. The governing body of any county, or of any city not within a county, by order or ordinance to be effective prior to January 1, [2000] **2001**, may impose a fee upon the issuance of a marriage license and may impose

a surcharge upon any civil case filed in the circuit court under the provisions of section 452.305, RSMo. The surcharge shall not be charged when no court costs are otherwise required, and shall not be charged when costs are waived or are to be paid by the state, county or municipality.

2. The fee imposed upon the issuance of a marriage license shall be five dollars, shall be paid by the person applying for the license, and shall be collected by the recorder of deeds at the time the license is issued. The surcharge imposed upon the filing of a civil action shall be two dollars, shall be paid by the party who filed the petition, and shall be collected and disbursed by the clerk of the court in the manner provided by sections 488.010 to 488.020, RSMo. Such amounts shall be payable to the treasuries of the counties from which such surcharges were paid.

3. At the end of each month, the recorder of deeds shall file a verified report with the county commission of the fees collected pursuant to the provisions of subsection 2 of this section. The report may be consolidated with the monthly report of other fees collected by such officers. Upon the filing of the reports the recorder of deeds shall forthwith pay over to the county treasurer all fees collected pursuant to subsection 2 of this section. The county treasurer shall deposit all such fees upon receipt in a special fund to be expended only to provide financial assistance to shelters for victims of domestic violence as provided in sections 455.200 to 455.230.”; and

Further amend the title, enacting clause and intersectional references accordingly.

On motion of Representative Graham (24), **House Amendment No. 11** was adopted.

Representative Hanaway offered **House Amendment No. 12**.

House Amendment No. 12

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1677, 1675 & 1676, Page 20, Section 491.073, Line 17, by inserting after the number "**491.073**." the number "**1**.”; and

Further amend said bill, Page 20, Section 491.073, Line 20, by inserting after all of said line the following:

"2. A statement not specifically covered by subsection 1 of this section but having equivalent circumstantial guarantees of trustworthiness, shall not be excluded as hearsay, if the court determines that:

- (1) The statement is offered as evidence of a material fact;**
- (2) The statement is more probative on the point for which it is offered than any other evidence which the proponent can procure through reasonable efforts; and**
- (3) The interest of justice will best be served by admission of the statement into evidence.**

However, a statement shall not be admitted pursuant to this subsection unless the proponent of it makes known to the adverse party sufficiently in advance of the trial or hearing to provide the adverse party with a fair opportunity to prepare to meet it, the proponent's intention to offer the statement and the particulars of it, including the name and address of the declarant.”; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Hanaway, **House Amendment No. 12** was adopted.

Representative Hanaway offered **House Amendment No. 13**.

House Amendment No. 13

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1677, 1675 & 1676, Page 15, Section 455.050, Line 14, by inserting after all of said line the following:

"455.085. 1. When a law enforcement officer has probable cause to believe a party has committed a violation of law amounting to abuse or assault, as defined in section 455.010, against a family or household member, the officer may arrest the offending party whether or not the violation occurred in the presence of the arresting officer. When the officer declines to make arrest pursuant to this subsection, the officer shall make a written report of the incident completely describing the offending party, giving the victim's name, time, address, reason why no arrest was made and any other pertinent information. Any law enforcement officer subsequently called to the same address within a twelve-hour period, who shall find probable cause to believe the same offender has again committed a violation as stated in this subsection against the same or any other family or household member, shall arrest the offending party for this subsequent offense. The primary report of nonarrest in the preceding twelve-hour period may be considered as evidence of the defendant's intent in the violation for which arrest occurred. The refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.

2. When a law enforcement officer has probable cause to believe that a party, against whom a protective order has been entered and who has notice of such order entered, has committed an act of abuse in violation of such order, the officer shall arrest the offending party-respondent whether or not the violation occurred in the presence of the arresting officer. Refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.

3. When an officer makes an arrest he is not required to arrest two parties involved in an assault when both parties claim to have been assaulted. The arresting officer shall attempt to identify and shall arrest the party he believes is the primary physical aggressor. The term "primary physical aggressor" is defined as the most significant, rather than the first, aggressor. The law enforcement officer shall consider any or all of the following in determining the primary physical aggressor:

- (1) The intent of the law to protect victims of domestic violence from continuing abuse;
- (2) The comparative extent of injuries inflicted or serious threats creating fear of physical injury;
- (3) The history of domestic violence between the persons involved.

No law enforcement officer investigating an incident of family violence shall threaten the arrest of all parties for the purpose of discouraging requests or law enforcement intervention by any party. Where complaints are received from two or more opposing parties, the officer shall evaluate each complaint separately to determine whether he should seek a warrant for an arrest.

4. In an arrest in which a law enforcement officer acted in good faith reliance on this section, the arresting and assisting law enforcement officers and their employing entities and superiors shall be immune from liability in any civil action alleging false arrest, false imprisonment or malicious prosecution.

5. When a person against whom an order of protection has been entered fails to surrender custody of minor children to the person to whom custody was awarded in an order of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor children over to the care and custody of the party to whom such care and custody was awarded.

6. The same procedures, including those designed to protect constitutional rights, shall be applied to the respondent as those applied to any individual detained in police custody.

7. A violation of the terms and conditions, with regard to abuse, stalking, child custody, **communications** or entrance upon the premises of the petitioner's dwelling unit, of an ex parte order of protection of which the respondent has notice, shall be a class A misdemeanor unless the respondent has previously pleaded guilty to or has been found guilty of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior pleas of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict.

8. A violation of the terms and conditions, with regard to abuse, stalking, child custody, **communications** or entrance upon the premises of the petitioner's dwelling unit, of a full order of protection shall be a class A misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of

such prior plea of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of the sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict. For the purposes of this subsection, in addition to the notice provided by actual service of the order, a party is deemed to have notice of an order of protection if the law enforcement officer responding to a call of a reported incident of abuse or violation of an order of protection presented a copy of the order of protection to the respondent.

9. Good faith attempts to effect a reconciliation of a marriage shall not be deemed tampering with a witness or victim tampering under section 575.270, RSMo.

10. Nothing in this section shall be interpreted as creating a private cause of action for damages to enforce the provisions set forth herein."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Hanaway, **House Amendment No. 13** was adopted.

Representative Ridgeway offered **House Amendment No. 14**.

House Amendment No. 14

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1677, 1675 & 1676, Page 26, Section 565.074, Line 22, by adding after the word "the" the word "primary".

Representative Ridgeway moved that **House Amendment No. 14** be adopted.

Which motion was defeated.

Representative Ridgeway offered **House Amendment No. 15**.

House Amendment No. 15

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1677, 1675 & 1676, Page 20, Section 455.550, Line 14, by deleting the word "All" and inserting in lieu thereof the word "Permanent".

Representative Ridgeway moved that **House Amendment No. 15** be adopted.

Which motion was defeated by the following vote:

AYES: 069

Akin	Alter	Ballard	Barnett	Bartelsmeyer
Bartle	Bennett	Berkstresser	Black	Blunt
Boatright	Champion	Cierpiot	Crawford	Dolan
Elliot	Enz	Foster	Froelker	Gaskill
Gibbons	Graham 106	Griesheimer	Gross	Gunn
Hanaway	Hartzler 123	Hartzler 124	Hegeman	Hendrickson
Hohulin	Holand	Howerton	Kelley 47	Kennedy
King	Klindt	Legan	Levin	Linton
Lograsso	Loudon	Luetkemeyer	Marble	Merideth
Miller	Murphy	Myers	Nordwald	Patek
Phillips	Pouche 30	Pryor	Purgason	Reinhart
Richardson	Ridgeway	Robirds	Sallee	Schwab
Scott	Secrest	Shields	Summers	Surface
Townley	Tudor	Vogel	Wright	

NOES: 082

Abel	Auer	Backer	Barry 100	Berkowitz
Bonner	Boucher 48	Boykins	Bray 84	Britt
Campbell	Clayton	Crump	Curls	Davis 122
Davis 63	Days	Farnen	Fitzwater	Foley
Ford	Franklin	Fraser	Gambaro	George
Graham 24	Gratz	Green	Hagan-Harrell	Hampton
Harlan	Hickey	Hilgemann	Hollingsworth	Hoppe
Hosmer	Kelly 27	Kissell	Koller	Kreider
Lakin	Lawson	Leake	Liese	Long
Luetkenhaus	May 108	Mays 50	McBride	McClelland
McKenna	McLuckie	Monaco	Murray	O'Connor
O'Toole	Ostmann	Overschmidt	Parker	Ransdall
Reid	Relford	Reynolds	Rizzo	Ross
Scheve	Schilling	Seigfreid	Selby	Shelton
Skaggs	Smith	Thompson	Treadway	Van Zandt
Wagner	Ward	Wiggins	Williams 121	Williams 159
Wilson 25	Wilson 42			

PRESENT: 001

Troupe

ABSENT WITH LEAVE: 009

Burton	Chrismer	Dougherty	Evans	Kasten
Naeger	Riley	Stokan	Mr. Speaker	

VACANCIES: 002

On motion of Representative Riback Wilson (25), **HS HCS HBs 1677, 1675 & 1676, as amended**, was adopted.

On motion of Representative Riback Wilson (25), **HS HCS HBs 1677, 1675 & 1676, as amended**, was ordered perfected and printed.

COMMITTEE REPORTS

Committee on Education - Higher, Chairman Farnen reporting:

Mr. Speaker: Your Committee on Education - Higher, to which was referred **HB 1888**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Education - Higher, to which was referred **HB 2044**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

INTRODUCTION OF HOUSE CONCURRENT RESOLUTION

The following House Concurrent Resolution was read the first time and copies ordered printed:

HCR 33, introduced by Representative Gross, to oppose the federal Drug Enforcement Administration's decision to cut off state funding to cover the cost of cleaning up clandestine drug laboratories.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 2150, introduced by Representative Reinhart, relating to juvenile courts.

HB 2151, introduced by Representative Griesheimer, relating to school finance.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 802**, entitled:

An act to repeal section 99.805, RSMo Supp. 1999, relating to tax increment financing, and to enact in lieu thereof seven new sections relating to the same subject, with an effective date.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 850**, entitled:

An act to repeal section 334.128, RSMo 1994, relating to the state board of registration for the healing arts, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

WITHDRAWAL OF HOUSE BILL

April 4, 2000

Anne C. Walker
Chief Clerk - House Administrator
Capitol Building - 306C
Jefferson City, Missouri 65101

Dear Chief Clerk:

I respectfully request the withdrawal of **House Bill 2150**.

Sincerely,

/s/ Annie Reinhart
State Representative
District 34

ADJOURNMENT

On motion of Representative Crump, the House adjourned until 10:00 a.m., Wednesday, April 5, 2000.

CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Forty-seventh Day, Monday, April 3, 2000, pages 777 and 778, roll call, by showing Representative Bonner voting "aye" rather than "absent with leave".

Page 779, roll call, by showing Representative Long voting "no" rather than "absent with leave".

COMMITTEE MEETINGS

AGRICULTURE

Wednesday, April 5, 2000. Hearing Room 7 upon morning adjournment.
Executive Session may follow.
To be considered - SB 540, SCR 27

CIVIL AND ADMINISTRATIVE LAW

Wednesday, April 5, 2000. Hearing Room 1 upon morning adjournment.
AMENDED.
To be considered - HB 2126, SB 557, SB 722, SB 836, SB 858, SB 914, SB 942

COMMERCE

Wednesday, April 5, 2000. Hearing Room 3 upon evening adjournment.
Executive Session may follow.
To be considered - SB 753, SB 1037

CONSUMER PROTECTION AND HOUSING

Thursday, April 6, 2000, 8:30 am. Hearing Room 4.
Executive Session.

CRIMINAL LAW

Wednesday, April 5, 2000, 1:00 pm. Hearing Room 2.
Executive Session may follow. AMENDED.
To be considered - HB 1528, HB 1658, HB 1920, HB 2010, SB 996

EDUCATION - ELEMENTARY AND SECONDARY

Thursday, April 6, 2000, 9:00 am. Hearing Room 1.

Executive Session. AMENDED.

To be considered - HB 1686, SB 573

EDUCATION - HIGHER

Wednesday, April 5, 2000. Hearing Room 5 upon morning adjournment.

To be considered - SB 910, SB 953, SB 961

ENVIRONMENT AND ENERGY

Thursday, April 6, 2000, 8:30 am. Hearing Room 7.

Executive Session may follow.

To be considered - HB 2136, SB 558

FISCAL REVIEW

Wednesday, April 5, 2000. Hearing Room 3 upon morning adjournment.

Executive Session.

To be considered - HB 1481, HB 1615

FISCAL REVIEW

Thursday, April 6, 2000, 9:00 am. Hearing Room 5.

Executive Session.

To be considered - SB 741

GOVERNMENTAL ORGANIZATION AND REVIEW

Wednesday, April 5, 2000, 8:30 am. Hearing Room 5.

To be considered - SB 788, SCR 21

MISCELLANEOUS BILLS AND RESOLUTIONS

Wednesday, April 5, 2000, 8:30 am. Hearing Room 6.

Executive Session may follow.

To be considered - HB 1763, HCR 20, HCR 22, SB 801

MOTOR VEHICLE AND TRAFFIC REGULATIONS

Thursday, April 6, 2000, 9:00 am. Side gallery.

To be considered - Executive Session - HB 2056, Executive Session - SB 765,

Executive Session - SB 907

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, April 5, 2000, 6:30 pm. Hearing Room 5. AMENDED.

To be considered - SB 663, SB 883, SB 921

RETIREMENT

Wednesday, April 5, 2000, 6:00 pm. Hearing Room 1.

Executive Session follows. AMENDED.

To be considered - HB 2090, SB 616, SB 642, SB 821, SB 922, SB 975, SB 1013, SB 1015

STATE PARKS, NATURAL RESOURCES AND MINING

Wednesday, April 5, 2000, 9:30 am. Hearing Room 4.

Possible Executive Session.

To be considered - SB 657

TRANSPORTATION

Wednesday, April 5, 2000. Hearing Room 6 upon morning adjournment.

Executive Session to follow.

To be considered - SB 541, SB 881, SCR 25

UTILITIES REGULATION

Thursday, April 6, 2000, 8:30 am. Hearing Room 6.

To be considered - HB 1778, HB 1842, HB 1895

HOUSE CALENDAR

FORTY-NINTH DAY, WEDNESDAY, APRIL 5, 2000

HOUSE CONCURRENT RESOLUTION FOR SECOND READING

HCR 33

HOUSE BILL FOR SECOND READING

HB 2151

HOUSE JOINT RESOLUTION FOR PERFECTION

HJR 40 - Graham (24)

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 1652 & 1433 - Hoppe
- 2 HB 1603, HCA 1 and HCA 2 - O'Connor
- 3 HCS HB 1711 - Abel
- 4 HCS HB 1797 - Gratz
- 5 HCS HB 1569 - Bray
- 6 HCS HB 1932 - Harlan
- 7 HCS HB 1967 - Hoppe
- 8 HB 1728, HCA 1 - Backer

HOUSE BILLS FOR PERFECTION - INFORMAL

- 1 HCS HB 1362, HS, as amended, pending - Harlan
- 2 HCS HB 1602, as amended - Leake
- 3 HCS HB 1143, as amended - Scheve
- 4 HB 1472 - Smith
- 5 HCS HB 1574 & 1640 - Britt

HOUSE BILLS FOR THIRD READING

- 1 HS HB 1615, E.C. (Fiscal Review, 3-29-00) - Hosmer
- 2 HS HCS HB 1242 - Treadway
- 3 HS HB 1238 - Hoppe
- 4 HS HCS HB 1481, (Fiscal Review, 3-30-00) - Smith
- 5 HCS HB 1434 - Skaggs

HOUSE BILLS FOR THIRD READING - CONSENT

- 1 HB 1685 - Smith
- 2 HB 1454 - Hoppe
- 3 HB 1499 - Hoppe
- 4 HB 1631 - Hoppe
- 5 HB 1579 - Hoppe
- 6 HB 1597 - Auer
- 7 HB 1284 - Kissell
- 8 HB 1659 - Summers
- 9 HB 1340 - Klindt
- 10 HB 1828 - Gross
- 11 HB 1095 - Richardson
- 12 HB 1358 - Loudon
- 13 HB 1275 - Chrismer

HOUSE BILL FOR THIRD READING - CONSENT - INFORMAL

HB 1825 - Klindt

SENATE BILLS FOR SECOND READING

- 1 SCS SB 802
- 2 SS SB 850

SENATE BILL FOR THIRD READING

HCS SS SB 549, E.C. - Van Zandt

HOUSE RESOLUTION

HR 91, (2-24-00, pgs. 397 & 398) - Crawford